

STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

July 2011

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Joint Standing Committee on Criminal Justice and Public Safety

**LD 8 An Act To Increase the Maximum Distance from a School within Which
a Sex Offender May Not Reside That May Be Set by Municipal
Ordinance**

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	ONTP MAJ OTP-AM MIN	

Current law allows a municipality to prohibit certain sex offenders from residing up to 750 feet from a school or a municipally owned property where children are the primary users. This bill increases that distance to 2,500 feet.

Committee Amendment "A" (S-13)

This amendment is the minority report of the Joint Standing Committee of Criminal Justice and Public Safety. The amendment authorizes a municipality that has no police chief or the county commissioners for an unorganized territory to adopt an ordinance to prohibit residence by certain sex offenders up to a maximum distance of 2,500 feet surrounding the real property comprising a public or private elementary, middle or secondary school or up to a maximum distance of 2,500 feet surrounding the real property comprising a municipally owned property or a publicly owned property in an unorganized territory where children are the primary users. For municipalities with a police chief, the existing distance requirement of 750 feet in current law remains applicable. The amendment also clarifies the current law that any restriction may not apply to a residence established prior to the effective date of the ordinance.

This amendment was not adopted.

LD 35 An Act Relating to Concealed Firearms Locked in Vehicles

PUBLIC 393

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA	OTP-AM MAJ ONTP MIN	H-422

This bill provides that an employer may not prohibit an employee with a valid concealed firearms permit from keeping a firearm in the employee's vehicle as long as the vehicle is locked and the firearm is not visible.

Committee Amendment "A" (H-422)

This amendment, which is the majority report of the committee, replaces the bill and specifies that an employer or agent of an employer may not prohibit an employee who has a valid permit to carry a concealed firearm under the Maine Revised Statutes, Title 25, chapter 252 from keeping a firearm in the employee's vehicle as long as the vehicle is locked and the firearm is not visible. The amendment does not authorize an employee to carry a firearm in a place where carrying a firearm is prohibited by law.

The amendment also specifies that an employer or an agent of an employer may not be held liable in any civil action for damages, injury or death resulting from or arising out of another person's actions involving a firearm or ammunition transported or stored pursuant to this provision. Finally, the amendment provides that this provision does not affect any provisions in the Maine Workers' Compensation Act of 1992.

Senate Amendment "A" To Committee Amendment "A" (S-298)

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This amendment specifies that, in the absence of a policy prohibiting weapons at an employer's place of business, an employer may not prohibit an employee from keeping a firearm in that employee's locked vehicle.

This amendment was not adopted.

Enacted Law Summary

Public Law 2011, chapter 393 specifies that an employer or agent of an employer may not prohibit an employee who has a valid permit to carry a concealed firearm under the Maine Revised Statutes, Title 25, chapter 252 from keeping a firearm in the employee's vehicle as long as the vehicle is locked and the firearm is not visible. Public Law 2011, chapter 393 does not authorize an employee to carry a firearm in a place where carrying a firearm is prohibited by law.

Public Law 2011, chapter 393 also specifies that an employer or an agent of an employer may not be held liable in any civil action for damages, injury or death resulting from or arising out of another person's actions involving a firearm or ammunition transported or stored pursuant to this provision. Finally, the amendment provides that this provision does not affect any provisions in the Maine Workers' Compensation Act of 1992.

LD 37 An Act To Amend the Deferred Disposition Law As It Pertains to Sex Offenses LTW

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL GERZOFSKY	LV/WD	

This bill eliminates the sentencing alternative of deferred disposition for persons who are guilty of committing the following Class C, Class D or Class E crimes: sexual assault; sexual exploitation of minors; incest; certain crimes of indecent conduct; and crimes against family members, including sexual assault, kidnapping and criminal restraint, violating a protective order, endangering the welfare of a child or a dependent person and obstructing the report of a crime or injury.

LD 44 An Act To Increase Potential Criminal Penalties for the Possession of Cocaine and Cocaine Base DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER SHERMAN	OTP-AM MAJ OTP-AM MIN	

Under existing law, possession of 14 grams or less of cocaine is a Class D crime. This bill provides that possession of cocaine in any amount is at least a Class C crime. Additionally, under existing law, possession of 4 grams or less of cocaine in the form of cocaine base, also known as "crack" cocaine, is a Class D crime when the State has not proven that the offender has a prior drug conviction, but rises to a Class C crime when the State has proven that the offender does have a prior drug conviction. The bill provides that possession of crack cocaine is at least a Class C crime even when the State has not proven that the offender has had a previous drug conviction.

Committee Amendment "A" (H-418)

This amendment is the majority report of the committee. The amendment adds an appropriations and allocations section.

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This amendment was not adopted.

Committee Amendment "B" (H-419)

This amendment is the minority report. Instead of making possession of any amount of cocaine or cocaine base at least a Class C crime as the bill does, the amendment specifies that possession of 7 to 14 grams of cocaine and 2 to 4 grams of cocaine in the form of cocaine base is a Class C crime.

The amendment adds an appropriations and allocations section.

This amendment was not adopted.

LD 82 An Act To Amend the Laws Governing County Jail Budgeting for York County PUBLIC 431

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON COURTNEY	OTP-AM	H-289

This bill amends the tax assessment that may be collected annually by counties for the provision of correctional services, excluding debt service, so that York County's cap is reduced by \$280,433. The changes take effect on July 1, 2011 to coincide with the fiscal year.

Committee Amendment "A" (H-289)

This amendment strikes the emergency preamble and emergency clause and adds an effective date of July 1, 2013.

Enacted Law Summary

Public Law 2011, chapter 431 amends the tax assessment that may be collected annually by counties for the provision of correctional services, excluding debt service, so that York County's cap is reduced by \$280,433. The changes take effect on July 1, 2013.

LD 83 An Act To Legalize the Sale, Possession and Use of Fireworks PUBLIC 416

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON THIBODEAU	OTP-AM A ONTP B OTP-AM C	H-582 S-326 MASON

This bill removes the prohibition on the sale and use of consumer fireworks and establishes a licensing protocol for sellers of consumer fireworks. A seller of consumer fireworks must have a federal and state license and a permit from a municipality. A municipality may adopt an ordinance that allows or prohibits the sale, use or possession of consumer fireworks. A seller of consumer fireworks must be 21 years of age or older and may not have been convicted or found in violation of any state, federal or municipal law, rule or regulation concerning fireworks or explosives. Consumer fireworks must be stored in a building exclusively used for the storage and sale of fireworks that has met all applicable fire safety and building codes and zoning and municipal ordinances. The Commissioner

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of Public Safety may adopt rules relative to the use, storage, transportation and display of consumer fireworks. A seller of consumer fireworks may not use misleading advertising and must warn consumers in any advertising to check with the local fire department to see if consumer fireworks are allowed in the community. A seller of consumer fireworks must provide a safety pamphlet to each purchaser of consumer fireworks. A person who violates the provisions of this bill is liable for any bodily injury or property damage that results and cannot use certain civil defenses. A violation of the provisions of this bill may result in the seizure of the consumer fireworks and suspension of a license to sell consumer fireworks and is a Class E crime.

Committee Amendment "A" (H-582)

This amendment makes the following changes to the bill.

1. It eliminates the emergency preamble and emergency clause.
2. It amends the definition of "consumer fireworks" to include only products tested and certified by a 3rd-party testing laboratory and excludes missile-type rockets, helicopters and aerial spinners and sky rockets and bottle rockets from the definition of "consumer fireworks."
3. It requires municipalities that want to prohibit or restrict the sale or use of consumer fireworks in the municipality to adopt an ordinance and provide the Office of the State Fire Marshal with a copy of the restriction or prohibition within 60 days. The sale and use of consumer fireworks is otherwise allowed in all municipalities. Possession of consumer fireworks is allowed in all municipalities and cannot be changed by ordinance.
4. It provides that a municipality may require that a person obtain a municipal permit for selling consumer fireworks within the municipality. A municipality that chooses to issue municipal permits must notify the Office of the State Fire Marshal prior to initiating its permitting program.
5. It provides that a state license is valid for one year, costs \$1,500, and funds enforcement through the Office of the State Fire Marshal. A separate license is required for each location at which an applicant seeks to sell fireworks.
6. It requires that consumer fireworks be sold only in a permanent, fixed, stand-alone building dedicated solely to the sale of consumer fireworks and provides specific requirements for the building.
7. It requires a person authorized to sell consumer fireworks to maintain public liability and product liability insurance with minimum coverage limits of \$2,000,000.
8. It requires advertising to contain the words "Check with your local fire department to see if consumer fireworks are allowed in your community" in a conspicuous location and in a consistent font as approved by the commissioner.
9. It restricts the use of consumer fireworks to between the hours of 9:00 a.m. and 10:00 p.m. except that they may be used between the hours of 9:00 a.m. and 12:30 a.m. on July 4th, December 31st and the weekends immediately before and after those dates.
10. It restricts the use of consumer fireworks to the user's property or the property of a consenting person.
11. It makes a violation of restrictions on the use of consumer fireworks a civil violation for which a fine of not less than \$50 and not more than \$500 plus court costs may be adjudged.
12. It states that the consumer fireworks of a licensee may be seized or removed at the licensee's expense if they are offered for sale, stored, possessed or used in violation of Title 8, section 223-A.
13. It clarifies that a person authorized to sell consumer fireworks shall provide the consumer with written guidelines describing safe and proper use of consumer fireworks. It also requires specific statements that the sale of

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consumer fireworks to persons under 21 years of age is prohibited be included in the guidelines.

14. It adds that it is an affirmative defense to prosecution for a violation of the prohibition against selling fireworks to a person under 21 years of age that the licensee sold consumer fireworks to a person under 21 years of age in reasonable reliance upon fraudulent proof of age presented by the purchaser. It adds that a person may not sell consumer fireworks in this State unless that person holds a valid license or is an employee or agent of a person that holds a valid license.

15. It provides that a person who sells consumer fireworks without a valid license or furnishes consumer fireworks to a person under 21 years of age or a licensee who sells consumer fireworks to a person under 21 years of age or an intoxicated person commits a Class D crime. A fine of \$500 or more is imposed if the violation involves furnishing fireworks to a minor. A fine of \$1,000 or more is imposed for a person who has been convicted of the same offense one or more times in the previous 6 years.

16. It provides that a fine of between \$200 and \$400 may be imposed on a person under 21 years of age who purchases, uses or possesses consumer fireworks within the State or presents to a consumer fireworks licensee false or fraudulent evidence of age for the purpose of purchasing consumer fireworks.

17. It provides that the Office of the State Fire Marshal shall submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the sale and use of consumer fireworks, including fireworks-related injuries and fires, by March 1st of each year beginning in 2013.

18. It provides that after December 31, 2013, the Commissioner of Public Safety may adopt major substantive rules regarding consumer fireworks-related injuries reporting by health care providers.

19. It requires the Office of the State Fire Marshal to work with statewide associations representing hospitals and physicians to develop a method for health care providers to collect and report voluntarily to the Office of the State Fire Marshal data regarding injuries related to consumer fireworks.

Committee Amendment "B" (H-583)

This amendment contains the same language as Committee Amendment "A" and adds that the use of consumer fireworks is restricted to the user's property or the property of a consenting person if the use occurs at least 1/4 mile from all building structures or the fireworks are fired from the shore of a lake or other large body of water and directed in such manner that the falling residue from the deflagration falls into the body of water, or to use under direct supervision of a local fire department. This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-326)

This amendment imposes an initial licensing fee of \$5,000, which then drops to \$1,500 for annual renewal. This amendment also delays the effective date of the legislation to January 1, 2012 and provides for one Public Safety Inspector II position and one clerical position, instead of 2 Public Safety Inspector II positions as proposed in Committee Amendment "A."

House Amendment "A" To Committee Amendment "A" (H-650)

This amendment changes the restrictions concerning the use of consumer fireworks to allow use of consumer fireworks on a user's property or the property of a consenting person if the use occurs at least 1/4 mile from all building structures or the fireworks are fired from the shore of a lake or other large body of water and directed in such manner that the falling residue from the deflagration falls into the body of water, or to allow use under direct supervision of a local fire department. This amendment to Committee Amendment "A" is the same language contained in Committee Amendment "B."

This amendment was not adopted.

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House Amendment "B" To Committee Amendment "A" (H-653)

This amendment changes the restrictions concerning the use of consumer fireworks to allow use of consumer fireworks on a user's property or the property of a consenting person if the use occurs at least 1/4 mile from all building structures or the fireworks are fired from the shore of a lake or other large body of water. House Amendment "B" contains the same language as House Amendment "A" and Committee Amendment "B," except that it removes language that requires consumer fireworks fired from the shore of a lake or other large body of water to be directed in such a manner that the falling residue from the deflagration falls into that lake or body of water. This amendment was not adopted.

Enacted Law Summary

Public Law 2011, chapter 416 does the following.

1. It defines "consumer fireworks" as only products tested and certified by a 3rd-party testing laboratory and excludes missile-type rockets, helicopters and aerial spinners and sky rockets and bottle rockets from the definition of "consumer fireworks."
2. It requires municipalities that want to prohibit or restrict the sale or use of consumer fireworks in the municipality to adopt an ordinance and provide the Office of the State Fire Marshal with a copy of the restriction or prohibition within 60 days. The sale and use of consumer fireworks is otherwise allowed in all municipalities. Possession of consumer fireworks is allowed in all municipalities and cannot be changed by ordinance.
3. It provides that a municipality may require that a person obtain a municipal permit for selling consumer fireworks within the municipality. A municipality that chooses to issue municipal permits must notify the Office of the State Fire Marshal prior to initiating its permitting program.
4. It provides that a state license is valid for one year, costs \$5,000 the initial year and \$1,500 for annual renewal, and funds enforcement through the Office of the State Fire Marshal. A separate license is required for each location at which an applicant seeks to sell fireworks.
5. It requires that consumer fireworks be sold only in a permanent, fixed, stand-alone building dedicated solely to the sale of consumer fireworks and provides specific requirements for the building.
6. It requires a person authorized to sell consumer fireworks to maintain public liability and product liability insurance with minimum coverage limits of \$2,000,000.
7. It requires advertising to contain the words "Check with your local fire department to see if consumer fireworks are allowed in your community" in a conspicuous location and in a consistent font as approved by the commissioner.
8. It restricts the use of consumer fireworks to between the hours of 9:00 a.m. and 10:00 p.m. except that they may be used between the hours of 9:00 a.m. and 12:30 a.m. on July 4th, December 31st and the weekends immediately before and after those dates.
9. It restricts the use of consumer fireworks to the user's property or the property of a consenting person.
10. It makes a violation of restrictions on the use of consumer fireworks a civil violation for which a fine of not less than \$50 and not more than \$500 plus court costs may be adjudged.
11. It states that the consumer fireworks of a licensee may be seized or removed at the licensee's expense if they are offered for sale, stored, possessed or used in violation of Title 8, section 223-A.
12. It clarifies that a person authorized to sell consumer fireworks shall provide the consumer with written

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guidelines describing safe and proper use of consumer fireworks. It also requires specific statements that the sale of consumer fireworks to persons under 21 years of age is prohibited be included in the guidelines.

13. It adds that it is an affirmative defense to prosecution for a violation of the prohibition against selling fireworks to a person under 21 years of age that the licensee sold consumer fireworks to a person under 21 years of age in reasonable reliance upon fraudulent proof of age presented by the purchaser. It adds that a person may not sell consumer fireworks in this State unless that person holds a valid license or is an employee or agent of a person that holds a valid license.

14. It provides that a person who sells consumer fireworks without a valid license or furnishes consumer fireworks to a person under 21 years of age or a licensee who sells consumer fireworks to a person under 21 years of age or an intoxicated person commits a Class D crime. A fine of \$500 or more is imposed if the violation involves furnishing fireworks to a minor. A fine of \$1,000 or more is imposed for a person who has been convicted of the same offense one or more times in the previous 6 years.

15. It provides that a fine of between \$200 and \$400 may be imposed on a person under 21 years of age who purchases, uses or possesses consumer fireworks within the State or presents to a consumer fireworks licensee false or fraudulent evidence of age for the purpose of purchasing consumer fireworks.

16. It provides that the Office of the State Fire Marshal shall submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the sale and use of consumer fireworks, including fireworks-related injuries and fires, by March 1st of each year beginning in 2013.

17. It provides that after December 31, 2013, the Commissioner of Public Safety may adopt major substantive rules regarding consumer fireworks-related injuries reporting by health care providers.

18. It requires the Office of the State Fire Marshal to work with statewide associations representing hospitals and physicians to develop a method for health care providers to collect and report voluntarily to the Office of the State Fire Marshal data regarding injuries related to consumer fireworks.

19. It includes a Public Safety Inspector II position and one clerical position.

20. The effective date of the legislation to January 1, 2012.

LD 91 An Act Relating to Disorderly Conduct in the Vicinity of a Funeral

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CELLI	ONTP	

This bill amends the disorderly conduct statute, Title 17-A §501-A, sub-§1, D, by adding a distance requirement to the existing provision. Specifically, the bill prohibits disorderly conduct within 1,000 feet of a funeral, burial or memorial service or within 1,000 feet of the route between locations where such ceremonies are being held. The bill also increases the classification of the crime of disorderly conduct with regard to a funeral, burial or memorial service from a Class E to a Class D crime. Other forms of disorderly conduct remain Class E crimes.

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LD 123 An Act To Assist Seasonal Entertainment Facilities with Public Safety Requirements

PUBLIC 349

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS THOMAS	OTP MAJ ONTP MIN	S-163 MASON

LD 123 prohibits the requirement of sprinkler systems in commercial places of assembly that open for no more than 50 days per calendar year. Commercial places of assembly include bars with live entertainment, dance halls, nightclubs, assembly halls with festival seating and restaurants.

House Amendment "A" (H-7)

This amendment clarifies that the automatic sprinkler system exemption in the bill applies to those commercial places of assembly in existence as of March 1, 2011 and specifies that the exemption expires upon the transfer of ownership of the commercial place of assembly.

This amendment was not adopted.

House Amendment "B" (H-273)

This amendment provides that, in order to be eligible for the exemption from the requirement of an automatic sprinkler system, an existing commercial place of assembly must have double the number of fire extinguishers that otherwise would be required or at least one for every 50 people, whichever is greater, and those fire extinguishers must be placed throughout the place of assembly; double the number of smoke detectors that otherwise would be required and those smoke detectors must be hard-wired with a battery backup; and another exit door in addition to the number of exit doors that otherwise would be required.

This amendment was not adopted.

Senate Amendment "A" (S-163)

The amendment removes the emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2011, chapter 349 prohibits the requirement of sprinkler systems in commercial places of assembly that open for no more than 50 days per calendar year. Commercial places of assembly include bars with live entertainment, dance halls, nightclubs, assembly halls with festival seating and restaurants.

LD 124 An Act To Eliminate Certain Restrictions on the Installation of Chimneys and Equipment

PUBLIC 225

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL SAVIELLO	OTP-AM	H-253

Current law allows the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a

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carbon monoxide detector is installed in the building near a bedroom.

LD 123 allows any such connection regardless of whether the chimney was existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom.

Committee Amendment "A" (H-253)

The amendment replaces the bill.

1. It retains provisions in the Maine Revised Statutes, Title 32, section 18107 governing the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom. It adds 2 additional requirements for chimneys existing and in use on or after February 2, 1998. The 2 additional requirements are that the appliance has been listed by Underwriters Laboratories or other testing laboratory and that the solid fuel burning appliance is installed in accordance with the manufacturer's installation specifications.

2. It includes changes to Title 25, section 2465, which is affected by any changes made to Title 32, section 18107, as it deals with rules pertaining to maintenance and inspections, including specific allowances. These changes allow for the adoption of rules that do not prohibit the connection of a solid fuel burning appliance to a chimney flue to which another appliance is connected for any chimney existing and in use on or after February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact, a carbon monoxide detector is installed in the building near a bedroom, the appliance has been listed by Underwriters Laboratories or other testing laboratory and the solid fuel burning appliance is installed in accordance with the manufacturer's installation specifications. It continues to allow the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom.

3. It includes changes to Title 32, section 18123, which is affected by the changes made to Title 32, section 18107, giving the Maine Fuel Board certain powers and duties, including adopting technical standards for the proper installation and servicing of oil, solid fuel, propane and natural gas burning equipment. This amendment allows installers to install appliances in accordance with changes made in Title 32, section 18107.

Enacted Law Summary

Public Law 2011, chapter 225 does the following.

1. It retains provisions in the Maine Revised Statutes, Title 32, section 18107 governing the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom. It adds 2 additional requirements for chimneys existing and in use on or after February 2, 1998. The 2 additional requirements are that the appliance has been listed by Underwriters Laboratories or other testing laboratory and that the solid fuel burning appliance is installed in accordance with the manufacturer's installation specifications.

2. It includes changes to Title 25, section 2465, which is affected by any changes made to Title 32, section 18107, as it deals with rules pertaining to maintenance and inspections, including specific allowances. These changes allow for the adoption of rules that do not prohibit the connection of a solid fuel burning appliance to a chimney flue to which another appliance is connected for any chimney existing and in use on or after February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact, a carbon monoxide

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detector is installed in the building near a bedroom, the appliance has been listed by Underwriters Laboratories or other testing laboratory and the solid fuel burning appliance is installed in accordance with the manufacturer's installation specifications. It continues to allow the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom.

3. It includes changes to Title 32, section 18123, which is affected by the changes made to Title 32, section 18107, giving the Maine Fuel Board certain powers and duties, including adopting technical standards for the proper installation and servicing of oil, solid fuel, propane and natural gas burning equipment. This amendment allows installers to install appliances in accordance with changes made in Title 32, section 18107.

LD 126 An Act To Allow a Person with One Arm To Possess Certain Kinds of PUBLIC 31 **Prohibited Knives**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRIGGS GERZOFISKY	OTP-AM	H-40

Current law provides that a person is guilty of a Class D crime of trafficking in dangerous knives, if the person knowingly manufactures or causes to be manufactured, or knowingly possesses, displays, offers, sells, lends, gives away or purchases any knife that has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity, or by an outward, downward or centrifugal thrust or movement. This bill provides an exception to this prohibition against possession of such a knife for an individual who has only one arm. The exception is modeled in part on federal law.

Committee Amendment "A" (H-40)

This amendment mirrors the exception in 15 United States Code, Section 1244, which authorizes a person with one arm to possess and transport a dangerous knife that has a blade 3 inches or less in length.

Enacted Law Summary

Public Law 2011, chapter 31 mirrors the exception in 15 United States Code, Section 1244 and authorizes a person who has only one arm to possess and transport a knife that has a blade 3 inches or less in length and opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity, or by an outward, downward or centrifugal thrust or movement.

LD 168 An Act To Require a Medical Examiner To Determine whether an PUBLIC 60 **Autopsy Is Needed in the Case of the Death of a Prisoner in a** **Correctional Facility**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA	OTP-AM	H-86

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This bill requires that an examination and inquest be held whenever a prisoner in a state correctional or detention facility dies. It also requires a medical examiner to determine whether an autopsy is needed. If the medical examiner determines that an autopsy is needed, an autopsy must be performed unless the prisoner had expressed a preference when admitted to the facility or at any other time that an autopsy not be performed or the next of kin of the prisoner expresses a preference that an autopsy not be performed. The next of kin of the client may also request that an autopsy be performed, in which case an autopsy must be performed.

Committee Amendment "A" (H-86)

This amendment replaces the bill and amends the statute regarding medical examiner cases to specify that a medical examiner case may exist and must be reported when a person dies in custody pursuant to an arrest or confinement in a state correctional facility, county jail, other correctional facility or local lockup or while in transport between any of these places while in the custody of a law enforcement officer or county or state corrections official. The amendment removes the current exception covering a prisoner's death that is due to specific natural causes that are clearly certifiable by an attending physician. This means that whenever a death occurs in these circumstances, the death must be reported to the Chief Medical Examiner, and the Chief Medical Examiner must then determine whether the case is a medical examiner case. The amendment also amends the provision in Title 34-A regarding the unnatural death of a client to be consistent with the Chief Medical Examiner's responsibilities described under Title 22, chapter 711.

Enacted Law Summary

Public Law 2011, chapter 60 amends the statute regarding medical examiner cases to specify that a medical examiner case may exist and must be reported when a person dies in custody pursuant to an arrest or confinement in a state correctional facility, county jail, other correctional facility or local lockup or while in transport between any of these places while in the custody of a law enforcement officer or county or state corrections official. Public Law 2011, chapter 60 removes the current exception covering a prisoner's death that is due to specific natural causes that are clearly certifiable by an attending physician. This means that whenever a death occurs in these circumstances, the death must be reported to the Chief Medical Examiner, and the Chief Medical Examiner must then determine whether the case is a medical examiner case. Public law 2011, chapter 60 also amends the provision in the Maine Revised Statutes, Title 34-A regarding the unnatural death of a client to be consistent with the Chief Medical Examiner's responsibilities described under Title 22, chapter 711.

See also Part D, Sections D-3 through D-5 of Committee Amendment "A" to LD 1480, An Act to Make Correct Errors and Inconsistencies in the Laws of Maine, which was enacted as Public Law 2011, chapter 420. These sections correct technical issues in language adopted pursuant to Public Law 2011, chapter 60 and ensure proper implementation of this public law.

See the bill summary for LD 1480 under the bill summaries for the Joint Standing Committee on Judiciary.

LD 257 An Act To Protect Children in Public Schools by Changing Notification ONTP Requirements Regarding Sex Offenders

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA	ONTP	

The bill adds language to the Juvenile Code to specifically notwithstanding Title 20-A's existing process for notification teams and provisions regarding confidentiality of juvenile records and requires superintendents of schools who receive information about a juvenile who is adjudicated of gross sexual assault as an adult to notify all school personnel and all parents and guardians of students who attend the school.

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Notwithstanding student confidentiality provisions, the bill amends Title 20-A to add to superintendents' duties the requirement that superintendents notify all parents and guardians of students enrolled in the same school as a juvenile adjudicated of gross sexual assault. This notification is not limited to juveniles tried as adults.

The bill also requires that a law enforcement agency notify the superintendent of a school district where a registered sex offender is residing, working or attending school. Upon receipt of that information, notwithstanding any confidentiality laws, the superintendent shall provide that information to all teachers and other school personnel.

LD 264 An Act Regarding Residential Chimney Lining ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL SAVIELLO	ONTP	

LD 264 prohibits state fire, safety and building codes from requiring a chimney in a residential dwelling to be lined unless the burning equipment used to heat the dwelling is a condensing unit that recaptures heat by condensing escaping water vapor.

LD 276 An Act To Enhance the Collection of Restitution for Victims of Crimes ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSSEL RECTOR	ONTP	

This bill allows a court to determine the time and method of payment for criminal restitution when the payer is committed to the Department of Corrections. See also LD 1399, An Act to Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes, which amended restitution provisions. LD 1399 was enacted as Public Law 2011, chapter 464.

LD 282 An Act To Limit Charges for Fingerprinting Performed for Certain Criminal History Background Checks MAJORITY (ONTP) REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRESCOTT GERZOFISKY	ONTP MAJ OTP MIN	

This bill specifies that if a prospective adoptive parent or an applicant for a license for a family foster home is required to be fingerprinted a 2nd or subsequent time pursuant to court or department procedures, the state entity requiring the subsequent fingerprinting shall pay the costs of that fingerprinting.

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LD 296	Resolve, Directing the State Bureau of Identification To Continue To Explore Contracting Options and Other Methods To Find Efficiencies in the Fingerprinting System for Criminal History Background Checks	VETO SUSTAINED
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRESCOTT GERZOFISKY	OTP-AM MAJ OTP-AM MIN	H-528

This bill amends current law to allow the fingerprints of a teacher or an educational personnel applicant pursuant to the Maine Revised Statutes, Title 20-A, section 6103 and an applicant for a license for a family foster home to be taken by the sheriffs and chiefs of police in each of the cities and towns. The bill also requires that the sheriffs and chiefs of police be paid for the expenses they incur in fingerprinting an applicant for a license for a family foster home and be reimbursed from the Criminal History Record Check Fund for the expenses they incur in fingerprinting a teacher or educational personnel applicant.

Committee Amendment "A" (H-528)

This amendment replaces the bill with a resolve and is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment directs the Department of Public Safety, State Bureau of Identification to solicit recommendations from the Department of Education and the Department of Health and Human Services regarding ways to improve the fingerprinting process for their clients. The resolve also directs the bureau to continue to research technology and contracting options and potential vendors for providing better accuracy and efficiency in fingerprinting for criminal history background checks. The Joint Standing Committee on Criminal Justice and Public Safety may introduce legislation to implement the bureau's recommendations to the Second Regular Session of the 125th Legislature.

Committee Amendment "B" (H-529)

This amendment is the minority report and allows the fingerprints of a teacher or an educational personnel applicant pursuant to the Maine Revised Statutes, Title 20-A, section 6103 to be taken by a sheriff if the sheriff has the technology and equipment to do so. The amendment specifies that the sheriffs be reimbursed from the Criminal History Record Check Fund for the expenses they incur in fingerprinting a teacher or educational personnel applicant.

This amendment was not adopted.

LD 342	An Act To Amend the Laws Governing County Jail Budgeting for York County	LEAVE TO WITHDRAW
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS	LV/WD	

This bill provides that the county commissioners of York County may use revenue generated from boarding prisoners in the county jail in York County for any county expense. It requires the county commissioners to use money from the budget of the county jail in York County to pay the cost of payroll expenses for administrative services that are properly allocated to the county jail in York County. It requires the county commissioners of York County to pay the cost of debt service for the county jail in York County from the budget of the county jail in York

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County.

LD 352 An Act To Amend the Laws Governing Criminal History Record Information

**PUBLIC 52
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL KATZ	OTP-AM	H-74

This bill adds the Department of Health and Human Services, division of licensing and regulatory services to the list of exceptions regarding limitations on the dissemination of intelligence and investigative information prepared by, prepared at the direction of or kept in the custody of state entities, including local, county and state law enforcement agencies. Intelligence and investigative information is information collected by criminal justice agencies or at the direction of criminal justice agencies in an effort to anticipate, prevent or monitor possible criminal activity, including operation plans of the collecting agency or another agency, or information compiled in the course of investigation of known or suspected crimes, civil violations and prospective and pending civil actions; intelligence and investigative information does not include information that is criminal history record information. (See Title 16 §614, sub-§3 for list of other entities excepted from the prohibition of distribution of intelligence and investigative information.)

The bill allows the Department of Health and Human Services, division of licensing and regulatory services, to access reports and records, including police reports, which may relate to enforcement of the department's licensing laws and rules. This bill has an effective date of July 1, 2011.

Committee Amendment "A" (H-74)

This amendment narrows the scope of the bill to allow the division of licensing and regulatory services within the Department of Health and Human Services to have access to intelligence and investigative information for use only in the investigation of suspected abuse, neglect or exploitation in licensed, certified and registered facilities and programs that provide care to children and adults.

Enacted Law Summary

Public Law 2011, chapter 52 allows the division of licensing and regulatory services within the Department of Health and Human Services to have access to intelligence and investigative information for use only in the investigation of suspected abuse, neglect or exploitation in licensed, certified and registered facilities and programs that provide care to children and adults.

Public Law 2011, chapter 52 was enacted as an emergency measure effective July 1, 2011.

LD 377 An Act To Ensure That a Licensee Is Notified of a Driver's License Suspension

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN MASON	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the current law to establish a procedure by which the Secretary of State must confirm the receipt by the licensee of a notice of suspension of a driver's license before the suspension goes into effect.

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LD 386 An Act To Implement the Recommendations of the Working Group Concerning Domestic Violence and Firearms

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORRISON	ONTP MAJ OTP-AM MIN	

This bill implements the recommendations of the working group concerning domestic violence and firearms established under Resolve 2009, chapter 86.

The bill authorizes a law enforcement officer to seize firearms from a person upon arrest for certain crimes of domestic violence, including: murder; assault, criminal threatening, terrorizing, stalking, criminal mischief, obstructing the report of a crime or injury or reckless conduct if the officer reasonably believes that the person and the victim are family or household members; domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking or domestic violence reckless conduct; violating a court-ordered consent agreement or protection from abuse order; or aggravated assault on a family or household member.

The bill provides that a person subject to firearm seizure is subject to a new mandatory bail condition that requires that all firearms in the possession of the person arrested be relinquished to a law enforcement officer and that the person refrain from possessing a firearm or other specified dangerous weapons until further order of a court. Upon request of the defendant, such a bail condition must be heard by the court as expeditiously as possible.

The bill also amends law enforcement agencies' minimum policy standards regarding domestic violence by requiring that all law enforcement agencies adopt a written policy for the seizure of firearms and safe storage of firearms seized by a law enforcement officer in a domestic violence arrest.

Committee Amendment "A" (H-330)

This amendment is the minority report and implements some of the recommendations, with changes, proposed by the working group concerning domestic violence and firearms established under Resolve 2009, chapter 86. Specifically, the amendment requires bail commissioners to impose a bail condition in all domestic violence cases that the person on bail refrain from possessing firearms or other specified dangerous weapons. The amendment deletes from the bill changes to the Maine Revised Statutes, Title 15, section 1026, subsection 3, paragraph A, subparagraph (8), leaving the current law in place that allows bail commissioners to continue to impose conditions banning the possession of all dangerous weapons. The amendment adds a new Title 15, section 1026, subsection 3, paragraph A, subparagraph (8-A) that states that if a condition is imposed under bail pursuant to Title 15, section 1023, subsection 4-A, the bail commissioner may impose the condition of refraining from possessing a firearm or other specified dangerous weapon until further order of the court.

The amendment also deletes from the bill provisions that mandate that a law enforcement officer seize all firearms in certain warrantless arrest situations and in arrest situations where the officer has probable cause to believe that there has been a criminal violation of a protection order and provisions that require law enforcement agencies to adopt and implement new minimum policy standards for seizure and storage of firearms.

This amendment was not adopted.

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LD 400 An Act Regarding County Jail Sentences of Less than 24 Hours

ONTP

Sponsor(s)

KATZ

Committee Report

ONTP

Amendments Adopted

The bill clarifies that a court may sentence a defendant to serve a term of imprisonment of less than 24 hours and sets the commencement of that sentence as the time of day that the defendant is received in the county jail.

See also LD 1399, An Act to Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes, which adopted a similar provision. LD 1399 was enacted as Public Law 2011, chapter 464.

LD 422 An Act To Amend the Laws Governing the Tax Assessment for Correctional Services in Lincoln County and Sagadahoc County

**PUBLIC 315
EMERGENCY**

Sponsor(s)

TRAHAN

Committee Report

OTP-AM

Amendments Adopted

S-209

This bill combines the amount that Lincoln County and Sagadahoc County may collect from municipalities for administration of the jail that serves both counties.

Committee Amendment "A" (S-209)

This amendment replaces the bill and resets and makes equal the tax assessment for correctional services for Lincoln County and Sagadahoc County. These changes take effect for Lincoln County on July 1, 2011 and for Sagadahoc County on January 1, 2012. The amendment also directs Lincoln County to pay withheld revenue from its tax assessment for correctional services from July 1, 2009 to June 30, 2011 directly to the Two Bridges Regional Jail by July 1, 2011 for the jail's correctional services operations in fiscal year 2012-13. The amendment also adds an emergency preamble and clause.

Enacted Law Summary

Public Law 2011, chapter 315 makes equal the tax assessment for correctional services for Lincoln County and Sagadahoc County. These changes take effect for Lincoln County on July 1, 2011 and for Sagadahoc County on January 1, 2012. Public Law 2011, chapter 315 also directs Lincoln County to pay withheld revenue from its tax assessment for correctional services from July 1, 2009 to June 30, 2011 directly to the Two Bridges Regional Jail by July 1, 2011 for the jail's correctional services operations in fiscal year 2012-13.

Public Law 2011, chapter 315 was enacted as an emergency measure effective June 13, 2011.

Joint Standing Committee on Criminal Justice and Public Safety

LD 446 An Act To Allow Law Enforcement Officers from Out of State To Carry Concealed Firearms

PUBLIC 396

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA SNOWE-MELLO	OTP-AM MAJ ONTP MIN	H-331

This bill allows a law enforcement officer or retired law enforcement officer who is a resident of another state to carry a firearm in this State without a permit to carry a concealed firearm.

Committee Amendment "A" (H-331)

This amendment is the majority report of the committee. The amendment amends the bill's title to clarify that the bill refers to the carrying of concealed firearms, not weapons. The amendment also specifically references 18 United States Code, Sections 926-B and 926-C and their requirements, which also authorize qualified law enforcement officers or qualified retired law enforcement officers to carry concealed firearms.

Enacted Law Summary

Public Law 2011, chapter 396 allows a law enforcement officer or retired law enforcement officer who is a resident of another state to carry a firearm in this State without a permit to carry a concealed firearm. An officer must meet the same qualifications to carry a concealed firearm as required under 18 United States Code, Sections 926-B and 926-C.

LD 461 An Act To Impose a Penalty for Making False Claims Regarding Military Service

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON D	ONTP MAJ OTP-AM MIN	

The bill creates the new crime of "fraudulent claim of military service." A person is guilty of this crime if the person knowingly claims falsely to have been awarded a military decoration from the United States Congress, by making that false claim the person intends to obtain something of value to which the person is not entitled and the person obtains that thing of value based on the false claim. The crime is a Class E crime; however, the penalty includes a fine of up to \$5,000. If the falsely claimed military honor or award is the Medal of Honor, the Distinguished Service Cross, the Navy Cross, the Air Force Cross, the Silver Star or Purple Heart, the crime is enhanced to a Class D crime. Notwithstanding the current penalties for Class D crimes, the penalties for this crime include a mandatory term of imprisonment of not less than 9 months. A fine of up to \$10,000 may also be imposed.

Committee Amendment "A" (H-423)

This amendment is the minority report of the committee and replaces the bill. It specifies that theft by deception includes a person claiming falsely that the person has been awarded military decorations, medals or awards.

This amendment was not adopted.

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LD 464 An Act To Authorize Certain Officials To Carry Automatic Knives ONTP
While in the Performance of Their Duties

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE SHERMAN	ONTP	

This bill allows law enforcement officers, corrections officers or corrections supervisors to possess a knife that has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or a knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement.

LD 495 An Act To Allow a Person Charged with or Convicted of Violating a ONTP
Protection from Abuse Order To Be Supervised by an Electronic
Tracking System

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K ROSEN R	ONTP	

The bill amends the provision regarding conditions of release for preconviction bail by establishing as a condition of bail for a person charged with violating a protection from abuse order under the Title 19-A, section 4011, subsection 1 that the person submit to supervision by an electronic tracking device with specific features.

1. The electronic tracking device must immediately notify law enforcement officers or other monitors of any breach by the offender of a court-ordered restriction to remain within certain physical boundaries;
2. The electronic tracking device must notify the victim as soon as practicable of any breach;
3. The electronic tracking device must allow law enforcement officers and other monitors to speak to the offender through a cellular phone built into the electronic tracking device; and
4. The electronic tracking device must have a loud alarm that can be activated to warn the victim of the offender's presence in an area from which the offender is forbidden.

The bill also authorizes a court to impose as part of the sentencing alternative for a person convicted of violating a protection from abuse order that the person, while on probation, submit to supervision by an electronic tracking device with the same special features.

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LD 508 An Act To Adjust Certain Age Limits in the Laws Concerning Sex Offenses To Further Protect Minors

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	ONTP	

This bill increases the maximum age of the victim in the crime of prohibited contact with a minor and in the provision regarding municipal ordinances for sex offender restricted zones. Specifically, regarding the crime of prohibited contact with a minor, the bill prohibits a person from intentionally or knowingly initiating direct or indirect contact with another person who has not in fact attained 16 years of age if the person was convicted on or after June 30, 1992 of an offense under the Title 17-A, chapter 11 or 12 against another person who had not in fact attained 16 years of age or was convicted on or after June 30, 1992 in another jurisdiction for conduct substantially similar to that contained in those chapters against another person who had not in fact attained 16 years of age. The current law prohibits intentionally initiating such contact with a person under 14 years of age.

Regarding the municipal ordinances for sex offender restricted zones, the bill provides that a municipality may adopt an ordinance regarding residency restrictions for persons convicted of Class A, B or C sex offenses committed against persons who had not attained 16 years of age at the time of the offense if the municipality meets all other conditions of Title 30-A, section 3014. The current law allows the imposition of residency restrictions for persons who committed sex offenses against a person under 14 years of age.

LD 523 An Act To Modify the Regulation of Fireworks

**PUBLIC 202
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT	OTP-AM	H-328

LD 523 amends the definition of "fireworks" to allow the use of toy, antique or replica cannons if no projectile is fired.

Committee Amendment "A" (H-328)

The amendment keeps toy cannons in the definition of "fireworks" but excludes signal cannons from the definition of "fireworks" if no projectile is fired. The amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2011, chapter 202 excludes signal, antique or replica cannons from the definition of fireworks if no projectile is fired.

Public Law 2011, chapter 202 was enacted as an emergency measure effective June 2, 2011.

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LD 525 An Act To Establish a Minimum Mandatory Sentence for Convictions of Illegally Providing Liquor to a Minor ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE	ONTP	

This bill requires a person who has been convicted 3 times or more within a 6-year period of procuring, or in any way aiding or assisting in procuring, furnishing, giving, selling or delivering liquor for or to a minor to serve a mandatory minimum sentence of imprisonment of at least 48 hours in addition to paying a fine of not less than \$1,500. Current law requires that a person who has a 3rd or subsequent offense within a 6-year period be subject to a mandatory fine of not less than \$1,500.

LD 562 An Act Regarding Municipal Authority To Review Construction Permits for Public Buildings DIED IN CONCURRENCE

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	ONTP MAJ OTP-AM MIN	

LD 562 clarifies the authority of municipalities that have been approved by the Commissioner of Public Safety to issue construction permits for public buildings. LD 562 died in concurrence.

The exact language from this bill is in LD 1, which was enacted as an emergency measure on June 13, 2011 and is located in Public Law 2011, chapter 304, Part J.

Committee Amendment "A" (S-291)

This amendment, which is the minority report of the committee, incorporates a fiscal note.

This amendment was not adopted.

LD 578 An Act To Allow Municipalities To Restrict the Possession of Firearms in Certain Circumstances DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	ONTP MAJ OTP MIN	

This bill provides a municipal legislative body with the authority to adopt an ordinance that restricts the carrying of firearms in the municipality's essential municipal offices and places of legislative assembly just as the State imposes those restrictions in its capitol area.

Senate Amendment "A" (S-143)

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This amendment requires a municipality, if the legislative body of that municipality adopts an ordinance that restricts the carrying of firearms in that municipality's essential municipal offices or places of legislative assembly, to post in a prominent location outside the affected offices and places a notice of the existence of that restriction.

This amendment was not adopted.

LD 580 An Act To Protect Children from Sexual Predators

**PUBLIC 50
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-26

This bill adds accessing with the intent to view sexually explicit material involving a child under 16 years of age to the offense of possession of sexually explicit material.

Committee Amendment "A" (S-26)

This amendment adds an emergency preamble and clause and, to be consistent with changes in the bill, also amends the Title 17-A, section 284, subsection 5 to include the word "accessing" in the provision dealing with the interpretation of age of the person being depicted in a sexually explicit visual image or material.

Enacted Law Summary

Public Law 2011, chapter 50 adds accessing with the intent to view sexually explicit material involving a child under 16 years of age to the offense of possession of sexually explicit material.

Public Law 2011, chapter 50 was enacted as an emergency measure effective April 25, 2011.

LD 592 An Act Regarding Forensic Examination Kits

PUBLIC 59

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER MASON	OTP	

This bill amends the law to reflect current practice by directing that forensic examination kits be retained by investigating law enforcement agencies rather than transported to the Maine State Police Crime Laboratory. The bill ensures that the text of the Maine Revised Statutes, Title 24, section 2986, subsection 3 is consistent with similar text located in Title 25, section 3821.

Enacted Law Summary

Public Law 2011, chapter 59 directs that forensic examination kits be retained by investigating law enforcement agencies rather than transported to the Maine State Police Crime Laboratory. Public Law 2011, chapter 59 also ensures that the text of the Maine Revised Statutes, Title 24, section 2986, subsection 3 is consistent with similar text located in Title 25, section 3821.

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**LD 595 An Act To Allow for Timely Credit for Driver's License Suspensions
Imposed by a Court**

PUBLIC 81

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP	

This bill corrects the problem that arises when the driver's license of a defendant that was suspended by the Secretary of State for operating under the influence is restored and then suspended by the court for the same offense. Because the Secretary of State will credit the defendant for the suspension already served and because there is a lag time that may be a week or more between the time the court orders the suspension and the Secretary of State applies the credit, this bill allows an exception to the requirement that the court physically take a license that will be immediately reinstated and allows the court to stay the license suspension for up to 7 days.

Enacted Law Summary

Public Law 2011, chapter 81 corrects the problem that arises when the driver's license of a defendant that was suspended by the Secretary of State for operating under the influence is restored and then suspended by the court for the same offense. Because the Secretary of State will credit the defendant for the suspension already served and because there is a lag time that may be a week or more between the time the court orders the suspension and the Secretary of State applies the credit, Public law 2011, chapter 81 allows an exception to the requirement that the court physically take a license that will be immediately reinstated and allows the court to stay the license suspension for up to 7 days.

**LD 624 An Act To Require a Person Who Commits a Sex Offense against a
Dependent or Incapacitated Adult To Register under the Sex Offender
Registration and Notification Act of 1999**

PUBLIC 423

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	S-286

This bill specifies that an actor who is employed as a caregiver or otherwise provides care to a person who is a dependent adult or incapacitated adult and who commits gross sexual assault or unlawful sexual contact against the person whose dependency or incapacity is reasonably apparent or known to the actor is guilty of committing a sex offense as defined in the Sex Offender Registration and Notification Act of 1999 requiring a 10-year registration. Registration requirements for persons who commit these new crimes in the Maine Revised Statutes, Title 17-A, section 253, subsection 2, paragraph K or Title 17-A, section 255-A, subsection 1, paragraph W or paragraph X do not apply until October 1, 2011.

Committee Amendment "A" (S-286)

This amendment replaces the bill. The amendment criminalizes sexual conduct between incapacitated adults and caregivers that is not already criminal. Specifically, the amendment creates new versions of gross sexual assault, unlawful sexual contact and unlawful sexual touching. This amendment criminalizes conduct that is committed against a person who has a mental disability that is reasonably apparent or is known to the actor. The amendment codifies this misconduct in situations where the person with the mental disability either is cared for in a facility licensed or funded by the Department of Health and Human Services or is cared for by a person privately employed

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to do so. The amendment recognizes that there are other incapacitated adults who may not have mental retardation but are vulnerable to sexual abuse.

The amendment also expands the list of sex offenses for which a person must register under the Sex Offender Registration and Notification Act of 1999. Specifically, the amendment directs persons to register for 10 years if convicted and sentenced on or after October 1, 2011 of a sex offense, which includes, in addition to the offenses listed in the Title 34-A, section 11203, subsection 6, a conviction for one of the following offenses or for an attempt or solicitation of one of the following offenses, without regard to the age of the victim: Title 17-A, section 253, subsection 2, paragraphs J, K and L and Title 17-A, section 255-A, subsection 1, paragraphs C, G, Q, R, R-1, R-2, W and X.

Enacted Law Summary

Public Law 2011, chapter 423 criminalizes sexual conduct between incapacitated adults and caregivers that is not already criminal. Specifically, Public Law 2011, chapter 423 creates new versions of gross sexual assault, unlawful sexual contact and unlawful sexual touching. Public Law 2011, chapter 423 criminalizes conduct that is committed against a person who has a mental disability that is reasonably apparent or is known to the actor. Public Law 2011, chapter 423 codifies this misconduct in situations where the person with the mental disability either is cared for in a facility licensed or funded by the Department of Health and Human Services or is cared for by a person privately employed to do so. It also recognizes that there are other incapacitated adults who may not have mental retardation but are vulnerable to sexual abuse.

Public Law 2011, chapter 423 also expands the list of sex offenses for which a person must register under the Sex Offender Registration and Notification Act of 1999. Specifically, it directs persons to register for 10 years if convicted and sentenced on or after October 1, 2011 of a sex offense, which includes, in addition to the offenses listed in the Title 34-A, section 11203, subsection 6, a conviction for one of the following offenses or for an attempt or solicitation of one of the following offenses, without regard to the age of the victim: Title 17-A, section 253, subsection 2, paragraphs J, K and L and Title 17-A, section 255-A, subsection 1, paragraphs C, G, Q, R, R-1, R-2, W and X.

LD 638 An Act To Require Sex Offenders To Complete Their Full Time on the ONTP Sex Offender Registry

Sponsor(s)

HARVELL

Committee Report

ONTP

Amendments Adopted

This bill specifies that during any period in which a person subject to the 10-year registrant requirements under the Sex Offender Registration and Notification Act of 1999, as amended, fails to comply with verification requirements, the Department of Public Safety, State Bureau of Identification, pursuant to any rules the bureau may adopt, shall toll the registration period for the duration of the time that the registrant is not in compliance. Once the registrant is in compliance, the 10-year period resumes at the point at which it was tolled. During the period when the registrant is not in compliance, the bureau is required to continue to maintain the registrant's information on the Internet.

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LD 639 An Act To Protect Medical Care Providers and Hospital Staff

ONTP

Sponsor(s)

HARVELL

Committee Report

ONTP

Amendments Adopted

This bill broadens the Class C offense of assault on an emergency medical care provider to include all medical care providers who are assaulted while providing medical care or after providing medical care by the person who was provided the medical care or by another person connected to such a person. This bill also broadens the offense to include an assault on medical care support staff, such as maintenance and janitorial personnel.

Although this bill did not pass, the committee introduced and the House and Senate adopted S.P. 517, Joint Resolution Recognizing the Dedication and Resolve of Medical Care Professionals in Hospitals.

LD 648 An Act To Prohibit Organized Retail Theft

Carried Over

Sponsor(s)

PLUMMER

Committee Report

Amendments Adopted

This bill creates a new crime, "organized retail theft." Organized retail theft includes all the elements of the current crime of theft as described in the Maine Revised Statutes, Title 17-A §354 but also adds the element of using an "organized retail scheme." For purposes of this new crime, an organized retail scheme is used when the property over which the person obtains or exercises unauthorized control is merchandise offered for sale by a retail store and the person acts in concert with a store employee or other person; leaves the store with the property through an emergency exit; removes or disables an antishoplifting or inventory control device; alters a product code; alters a sales receipt; or intends to sell the property.

LD 648 was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 658 An Act To Modify the Requirement of a Permit To Carry a Concealed
Weapon**

**MAJORITY
(ONTP) REPORT**

Sponsor(s)

CRAFTS
MASON

Committee Report

ONTP MAJ
OTP-AM MIN

Amendments Adopted

This bill modifies the concealed weapons laws of the State in the following ways.

1. It permits Maine or out-of-state persons to carry any dangerous weapon concealed without a permit, including a firearm, brass knuckles and stilettos, except in the following locations where a person would have to have a permit to carry a dangerous weapon: on the grounds or in the buildings of a school; at a polling place on election day; at a

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nuclear power plant or hydroelectric facility; structure, vehicle or craft owned by the State or a political subdivision of the State; at a public event or a private event permitted or licensed by a public entity; or at an establishment licensed for the sale of spirits, wine or malt liquor to be consumed on the premises.

2. It specifies that if a person has a concealed firearms permit, the person can carry concealed in the above-mentioned places; however, there is no concealed permit for "other dangerous weapons", so a person could also carry other weapons into those places, which is not authorized currently.
3. It changes the concealed firearms permit application fee for residents of the State from \$35 to \$10 and the renewal fee from \$20 to \$5, as well as the amount of those fees that are disbursed to the Chief of the State Police and the Treasurer of State.
4. It changes the requirement that a handgun safety course must be completed from within 5 years of obtaining a concealed firearms permit to having been completed any time; it also keeps the option of demonstrating handgun knowledge to an issuing authority, instead of taking course for qualification to carry concealed.
5. It changes the grandfather clause to apply to any person in any state.
6. It changes the term of a concealed firearms permit from 4 years to 7 years.

Committee Amendment "A" (H-329)

This amendment is the minority report of the committee. It adds an appropriations and allocations section to the bill.

This amendment was not adopted.

LD 667 An Act To Establish a Municipal and County Reimbursement Fee for ONTP Those Guilty of Crimes

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE M THOMAS	ONTP	

In addition to the surcharges of 14% and 5% collected pursuant to current law, this bill creates a new 10% surcharge to be collected in criminal cases. The 10% surcharge must be added to every fine imposed in a criminal case by any court in this State, which for purposes of collection and collection procedures is considered part of the fine. The 10% surcharge must be deposited monthly in the Government Operations Surcharge Fund and must be paid to municipal and county law enforcement agencies in an amount equal to \$100 per criminal case on which a law enforcement officer works.

LD 685 An Act To Support Farm Programs at Department of Corrections PUBLIC 340 Facilities

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCFADDEN	OTP-AM	H-569

This bill requires each correctional and detention facility operated by the Department of Corrections to establish a vegetable garden on its grounds to feed and be maintained by the prisoners.

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Committee Amendment "A" (H-569)

This amendment changes the title and replaces the bill. The amendment allows the establishment of a gravel mining program at any Department of Corrections facility with sufficient gravel. The gravel mining program's primary purpose is to generate revenue to support correctional facility farm programs. Gravel not sold by correctional facilities to support farm programs may be sold, distributed or exchanged in the same manner as farm products may be. The amendment also gives the Commissioner of Corrections authority to use some of the revenue to support correctional facility gravel mining programs.

The amendment also amends the industries program provision to permit additional ways to generate revenue from the sale of industries program services and products. Specifically, the amendment authorizes the industries program to make services and goods available for use by county or local governmental entities, private Maine businesses or community agencies.

Enacted Law Summary

Public Law 2011, chapter 340 allows the establishment of a gravel mining program at any Department of Corrections facility with sufficient gravel. The gravel mining program's primary purpose is to generate revenue to support correctional facility farm programs. Gravel not sold by correctional facilities to support farm programs may be sold, distributed or exchanged in the same manner as farm products may be. Public Law 2011, chapter 340 also gives the Commissioner of Corrections authority to use some of the revenue to support correctional facility gravel mining programs. Public Law 2011, chapter 340 also amends the industries program provision to permit additional ways to generate revenue from the sale of industries program services and products. Specifically, Public Law 2011, chapter 340 authorizes the industries program to make services and goods available for use by county or local governmental entities, private Maine businesses or community agencies.

LD 690 An Act To Amend the Laws Governing the Transfer of Prisoners to ONTP
Other States

Sponsor(s)

CHAPMAN

Committee Report

ONTP

Amendments Adopted

This bill modifies the Interstate Corrections Compact with respect to transferring prisoners to and from other states to provide that:

1. Inmates convicted in this State may not be transferred out of the State to another state prison system without their written consent or a court order. An inmate has the right to legal advice before consenting;
2. Inmates may elect to return to this State after one year of being transferred. Inmates requesting return must be returned within 30 days of the request, unless a court rules in favor of keeping the prisoner away from this State. Inmates have the right to legal representation if a continuation of the transfer is being sought through the court; and
3. Inmates who were transferred without their consent prior to the effective date of the bill may elect to return to this State unless a continuation of the transfer is approved by a court in this State.

Although this bill did not pass, another bill regarding transferring of prisoners, LD 1095, An Act to Facilitate the Construction and Operation of Private Prisons by Authorizing the Transport of Prisoners out of State was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

Joint Standing Committee on Criminal Justice and Public Safety

LD 708

An Act Concerning Arrests for Violating Protection from Abuse Orders

PUBLIC 178

Sponsor(s)

LAJOIE

Committee Report

OTP-AM

Amendments Adopted

H-228

This bill adds to the list of relief authorized under the laws governing protection from abuse, for which a violation is treated as contempt of court instead of a criminal violation, the order of a division of personal property and household goods and furnishings. Current law includes some types of conditions that are enforced by criminal prosecution and some that are enforced by contempt. For those conditions enforced by contempt proceedings, an aggrieved party must ask the court to hold the offender in contempt. Other conditions are prosecuted as criminal offenses under Title 19-A, section 4011.

Committee Amendment "A" (H-228)

This amendment adds the order of terminating a life insurance policy or rider to the list of relief authorized under the laws governing protection from abuse a violation of which is treated as contempt of court.

Enacted Law Summary

Public Law 2011, chapter 178 adds to the list of relief authorized under the laws governing protection from abuse, for which a violation is treated as contempt of court instead of a criminal violation, the order of a division of personal property and household goods and furnishings and the order of terminating a life insurance policy or rider.

LD 714

An Act To Require Probation Officers To Set a Schedule for Restitution Payment

ONTP

Sponsor(s)

NASS

Committee Report

ONTP

Amendments Adopted

This bill clarifies that a probation officer shall set a schedule for restitution payment, unless a schedule has been set by the court. The court shall order employment searches for all defendants in all cases where restitution is ordered. The bill also clarifies that income withholding orders remain effective and enforceable until the restitution is paid in full, even after an offender is no longer in the custody or under the supervision of the Department of Corrections.

Although this bill was not passed, parts of it were incorporated into LD 1399, An Act to Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes. LD 1399 was enacted as Public Law 2011, chapter 464.

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LD 717 An Act To Increase the Penalties for Possessing and Displaying a Firearm on School Property ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD	ONTP	

This bill increases the offense of possessing a firearm on public school property or the property of an approved private school from a Class E crime to a Class C crime and provides that the offense of displaying a firearm on public school property or the property of an approved private school is a Class B crime.

LD 737 An Act To Grandfather Certain Existing Buildings and Structures with Respect to Fire Safety Codes and Standards ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	ONTP	

LD 737 amends laws regarding life safety and property protection. It subjects buildings and other structures built prior to January 1, 2008 to rules pertaining to fire safety codes and standards in effect as of January 1, 2007.

LD 740 An Act To Amend the Sex Offender Registration Laws ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	ONTP	

This bill specifies that during any period in which a person subject to the 10-year registrant requirements under the Sex Offender Registration and Notification Act of 1999, as amended, fails to comply with verification requirements, the Department of Public Safety, State Bureau of Identification, pursuant to any rules the bureau may adopt, may toll the registration period for the duration of the time that the registrant is not in compliance. Once the registrant is in compliance, the 10-year period resumes at the point at which it was tolled. During this period, the bureau shall continue to maintain the registrant's information on the Internet.

The bill creates mandatory minimum periods of incarceration for failure to comply with any duty imposed or any rule adopted pursuant to the Sex Offender Registration and Notification Act of 1999, as amended. For a first offense, a registrant must serve a minimum of 30 days of incarceration; for a 2nd offense, a registrant must serve a minimum of 2 years of incarceration; and for a 3rd or subsequent offense, a registrant must serve a minimum of 4 years of incarceration. None of the minimum periods of incarceration may be suspended.

The bill also directs the Joint Standing Committee on Criminal Justice and Public Safety to review the existing 2-tiered offense-based sex offender registration system and determine how to allocate the categories of 10-year registrant and lifetime registrant into 3 categories that require 10-year, 25-year and lifetime registration periods. The committee shall use existing models from the Federal Government and other state governments, as well as

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evidence-based research, to develop its new system. The committee may introduce legislation to the 125th Legislature to implement its recommendations for a 3-tiered registration system. LD 1514, An Act to Amend the Sex Offender Registration Laws, was carried over to any special and/or regular session on the 125th Legislature as a vehicle for this purpose.

LD 750 An Act To Decriminalize Possession of 6 or Fewer Marijuana Plants ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN	ONTP	

This bill amends the criminal possession statute and the civil possession statute to provide that a person may possess 6 or fewer marijuana plants. Possession of 6 or fewer plants is a civil violation subject to a fine of not more than \$250.

LD 754 An Act To Remove Criminal Penalties for Possession of up to 5 Ounces of Marijuana ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN	ONTP	

Current law provides that a person who possesses 2 ½ ounces or less of marijuana commits a civil violation for which a fine of not more than \$1,000 must be adjudged. Specifically, a person who possesses up to 1 ¼ ounces is subject to a mandatory fine of not less than \$350 and not more than \$600, and a person who possesses over 1 ¼ ounces up to 2 ½ ounces is subject to a mandatory fine of not less than \$700 and not more than \$1,000. A person who now possesses more than 2 ½ ounces is guilty of a Class E crime.

This bill increases the amount of marijuana a person may possess as a civil violation and decreases the amount of the fines. Specifically, the bill provides that a person who possesses 5 ounces or less of marijuana commits a civil violation for which a fine of not more than \$250 must be adjudged. To be consistent, the bill also amends the Maine Medical Use of Marijuana Act by increasing the amount of marijuana a person may possess and have dispensed from 2 ½ ounces to 5 ounces.

LD 760 An Act To Establish an Animal Abuser Registry MAJORITY (ONTP) REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEVENS SULLIVAN	ONTP MAJ OTP-AM MIN	

This bill creates an animal abuser registry. This bill requires a person convicted of animal cruelty under Title 17, section 1031, or convicted of a comparable offense in another state, to register as an animal abuser with the county sheriff where the abuser "is located" for a period of 15 years. The bill requires the county sheriff to gather

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information from an abuser and maintain that information on a registry. Sheriffs must also forward all registration information to the Department of Public Safety, State Bureau of Identification and must provide notice to all residences, schools, humane societies, animal shelters or any other business within a ½ mile radius of the animal abuser's residence or location. The bill requires the State Bureau of Identification to maintain a central registry of animal abusers, which SBI must make available in print as well as by phone and Internet.

Committee Amendment "A" (H-464)

This amendment replaces the bill with a resolve and is the minority report of the committee. The amendment directs the Department of Public Safety, State Bureau of Identification and the Department of Administrative and Financial Services, Office of Information Technology to determine, using existing criminal history record information, how to coordinate and implement an animal abuser registry accessible to the public that includes at a minimum the names and any aliases of the animal abusers; the dates of birth of the animal abusers; the offenses for which the animal abusers were convicted; and the dates and places of conviction. Recommendations regarding implementation must be made to the Joint Standing Committee on Criminal Justice and Public Safety by February 15, 2012. The committee may report out a bill to implement the recommendations.

This amendment was not adopted.

LD 773 An Act To Further Restrict the Availability of Methamphetamine and Amphetamine Pills

PUBLIC 436

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE A MASON	OTP-AM	H-252

This bill amends the aggravated trafficking statute, Title 17-A, section 1105-A, to add trafficking in a quantity of 300 or more pills, capsules, tablets or units containing methamphetamine or amphetamine as an aggravated offense. This change would make the offense a Class A crime, the penalty for which includes a sentencing alternative of up to 30 years imprisonment. Current law makes this prohibited conduct a Class B crime with an available sentencing alternative of a period of imprisonment of up to 10 years.

Committee Amendment "A" (H-252)

This amendment replaces the bill and moves the intended prohibition to the existing provision of law regarding methamphetamine. The amendment, like the bill, makes trafficking in a quantity of 300 or more pills, capsules, tablets or units of methamphetamine or amphetamine an aggravated offense and a Class A crime. It also makes trafficking in 100 grams or more of amphetamine a Class A crime.

Enacted Law Summary

Public Law 2011, chapter 436 makes trafficking in a quantity of 300 or more pills, capsules, tablets or units of methamphetamine or amphetamine an aggravated offense and a Class A crime. It also makes trafficking in 100 grams or more of amphetamine a Class A crime. This change makes the offense a Class A crime, the penalty for which includes a sentencing alternative of up to 30 years imprisonment.

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**LD 827 An Act To Bring the State's Laws into Compliance with the National
Instant Criminal Background Check System**

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLODGETT	ONTP MAJ OTP-AM MIN	

This bill amends current law regarding the possession of firearms to create a comprehensive system for the restoration of the right to possess firearms by persons with mental illness who prove that they are no longer a danger to themselves or others. The change will qualify Maine for federal funding under the National Instant Criminal Background Check System pursuant to the federal NICS Improvement Amendments Act of 2007.

The bill expands the list of those who can apply to have the right to possess a firearm restored to include persons who have been admitted to a hospital pursuant to the Maine Revised Statutes, Title 34-B, section 3863 and persons found by a Probate Court to lack the capacity to contract or manage their own affairs. Existing law permits application for restoration by persons who are committed involuntarily to a hospital pursuant to Title 34-B, section 3864; persons who are found not criminally responsible by reason of insanity with respect to a criminal charge; and persons who are found not competent to stand trial with respect to a criminal charge.

The bill requires that the Commissioner of Public Safety, when reviewing applications for restoration, at a minimum consider mental health and criminal history records and the applicant's reputation developed through character witnesses and any other character evidence. The bill also removes the Commissioner of Public Safety's discretion to grant restoration if the applicant satisfies the statutory criteria that the person is not likely to act in a manner that is dangerous to public safety and that the restoration would not be contrary to public interest.

Committee Amendment "A" (H-612)

This amendment is the minority report of the committee. It shortens the waiting period for applying to have the right to own, possess or control a firearm from 5 years from the date of final discharge from commitment to 2 years from the date of adjudication or commitment. The amendment expands the restoration of rights to also include the provisions of 18 United States Code, Section 922(d)(4). The amendment also adds new sections regarding involuntary commitment pursuant to the Maine Revised Statutes, Title 34-B, section 3863 and regarding persons found to be incapacitated pursuant to Title 18-A, section 5-101 to inform a person subject to these provisions that the person is prohibited from owning, possessing or controlling firearms.

This amendment was not adopted.

LD 880 An Act To Protect Minors from Questioning by Private Investigators

PUBLIC 161

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORISSETTE WHITEMORE	OTP-AM	H-222

This bill amends the provision regarding unlawful acts of a private investigator by creating the Class D offense of questioning a minor. A private investigator is guilty of the new offense if the private investigator questions a person who is under 14 years of age and the private investigator does not have the consent of that person's parent or legal

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guardian to do so.

Committee Amendment "A" (H-222)

This amendment replaces the bill and amends the provision of law regarding the refusal, suspension and revocation of a private investigator's license to add new grounds that allow the Commissioner of Public Safety to refuse to issue or renew a license and allow the District Court to suspend or revoke the license of a private investigator. The grounds are that a private investigator contacts or communicates with a child who has not attained 14 years of age regarding a private investigation if that contact or communication by the private investigator includes conduct with the intent to harass, torment, intimidate or threaten a child.

Enacted Law Summary

Public Law 2011, chapter 161 amends the provision of law regarding the refusal, suspension and revocation of a private investigator's license to add new grounds that allow the Commissioner of Public Safety to refuse to issue or renew a license and allow the District Court to suspend or revoke the license of a private investigator. The grounds are that a private investigator contacts or communicates with a child who has not attained 14 years of age regarding a private investigation if that contact or communication by the private investigator includes conduct with the intent to harass, torment, intimidate or threaten a child.

LD 885 An Act To Increase Penalties for Operating a Motor Vehicle under the ONTP Influence of Drugs or Alcohol

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA	ONTP	

This bill increases the suspension periods for criminal operating under the influence from 90 to 180 days for a first offense, from 3 years to 5 years for a second offense and from 6 years to 10 years for a third offense. The bill also repeals the provisions that allow issuance of a special or conditional license before the total period of suspension has been served. This prohibition applies to the issuance of restricted licenses for the purpose of allowing participation in education and treatment programs and employment.

LD 912 An Act To Amend the Law Governing Administrative Suspensions of MAJORITY Driver's Licenses (ONTP) REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL THOMAS	ONTP MAJ OTP-AM MIN	

Current law gives the Secretary of State authority to stay a suspension of a driver's license during the statutory suspension period and issue a work-restricted license on receipt of a petition for a work-restricted license for a person under suspension for operating a motor vehicle with an excessive alcohol level or for a person with a juvenile provisional license under suspension for operating a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath.

This bill gives the Secretary of State authority to stay a suspension during the statutory suspension period and issue a work-restricted license on receipt of a petition for a work-restricted license for a person under suspension for any offense under the Title 29-A, chapter 23. The bill also provides that the Secretary of State may not issue a

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work-restricted license to a person whose license has been revoked by court order without providing written notice to the court. The bill provides that the Secretary of State, in issuing a work-restricted license to a person under revocation, may impose any conditions and restrictions the Secretary of State determines necessary to ensure the safety of the public.

Committee Amendment "A" (H-161)

This amendment replaces the bill and is the minority report. The amendment grants the Secretary of State discretionary authority to reissue a license to a person 8 years instead of 10 years after the date the person is no longer incarcerated when the person's license is revoked as a result of that person's operation of a motor vehicle having caused the death of another person when the person operating the motor vehicle was under the influence of intoxicants at the time of the offense.

This amendment was not adopted.

LD 914 An Act To Make Certain Synthetic Cannabinoids Illegal

PUBLIC 428

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS	OTP-AM	H-293 S-351 ROSEN R

This bill schedules the synthetic cannabinoids JWH018, JWH073, HU210 and HU211 as schedule Z drugs, the possession of which would be a Class E crime.

As of March 1, 2011 the synthetic cannabinoids in this bill were temporarily placed on the Federal Register as Schedule I drugs by the United States Drug Enforcement Agency. The ban will be in place at least one year, as federal government considers whether to control synthetic cannabinoids permanently.

Committee Amendment "A" (H-293)

This amendment adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-351)

This amendment establishes an effective date of July 1, 2012 and adjusts the appropriations and allocations section accordingly.

Enacted Law Summary

Public Law 2011, chapter 428 schedules the synthetic cannabinoids JWH018, JWH073, HU210 and HU211 as schedule Z drugs, the possession of which is a Class E crime. Public Law 2011, chapter 428 is effective July 1, 2012.

As of March 1, 2011 these synthetic cannabinoids were temporarily placed on the Federal Register as Schedule I drugs by the United States Drug Enforcement Agency. The ban will be in place at least one year, as federal government considers whether to control synthetic cannabinoids permanently.

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LD 926 An Act To Increase the Credit Toward Payment of Fines Given for Jail Time

PUBLIC 334

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL KATZ	OTP-AM	H-414

Current law allows a court to order a person who fails to pay a criminal fine to be committed to a county jail and receive credit toward payment of the fine at the rate of \$5 for each day of confinement. This bill increases the rate of credit to \$25 per day of confinement.

Committee Amendment "A" (H-414)

This amendment increases the rate of credit to up to \$100 per day of confinement. The bill increases the rate of credit from the current \$5 to \$25.

Enacted Law Summary

Public Law 2011, chapter 334 allows a court to order a person who fails to pay a criminal fine to be committed to a county jail and receive credit toward payment of the fine at the rate of up to \$100 per day of confinement. Public Law 2011, chapter 334 increased the rate of credit from the prior \$5 per day.

LD 932 An Act To Allow Concealed Weapons in the State House

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAFTS MASON	OTP-AM MAJ ONTP MIN	

This bill provides that a person to whom a valid permit to carry a concealed firearm has been issued may carry a concealed firearm in the State House.

Committee Amendment "A" (H-420)

This amendment replaces the bill and is the majority report of the committee. The amendment provides that a person to whom a valid permit to carry a concealed firearm has been issued may carry a concealed firearm in the State House, the Burton M. Cross Building and the parking areas adjacent to the 2 buildings and on the walkways between the buildings and between the parking areas and the buildings. Upon entering the State House or the Burton M. Cross Building, a person who is carrying a concealed firearm is required to immediately report to the Capitol Police and sign the person's name in a logbook maintained by the Capitol Police. This is the same procedure that the Capitol Police currently follow for law enforcement officers who carry their firearms in the State House.

This amendment was not adopted.

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LD 963 An Act To Ensure Humane Treatment for Special Management Prisoners

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHAPMAN	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to reduce the use of special management units by the Department of Corrections and to reduce the length of time that prisoners in the custody of the Department of Corrections are confined in special management units. It also proposes to provide a mechanism for a person who is confined in a special management unit for more than 30 days to have that person's case reviewed by an independent third party.

LD 966 An Act Regarding the Use of Methadone by Operators of Commercial Motor Vehicles

PUBLIC 455

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAHAM DIAMOND	OTP-AM MAJ ONTP MIN	H-254 S-352 ROSEN R

This bill amends the violations provisions in the commercial motor carrier statutes to prohibit the operation of a commercial motor vehicle by a person who has methadone or its metabolite in that person's body and makes a violation of the prohibition a Class E crime. Maine has partially adopted the Federal Motor Safety Regulations at this time but has not yet adopted the regulation regarding committing a violation while driving with methadone in the body. Adoption of this prohibition would conform Maine law to federal law.

Committee Amendment "A" (H-254)

This amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety and adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-352)

This amendment replaces the appropriations and allocations section and establishes a July 1, 2012 effective date.

Enacted Law Summary

Public Law 2011, chapter 455 amends the violations provisions in the commercial motor carrier statutes to prohibit the operation of a commercial motor vehicle by a person who has methadone or its metabolite in that person's body and makes a violation of the prohibition a Class E crime.

Public Law 2011, chapter 455 is effective July 1, 2012.

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LD 1025 An Act To Amend the Laws Governing the Sex Offender Registry

PUBLIC 307

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-180 S-242 DIAMOND

This bill amends the law regarding distribution of sex offender registrant information to the public by directing that the Department of Public Safety, State Bureau of Identification include on its Internet posting of registrant information the offender's designation as a 10-year registrant or a lifetime registrant.

The bill also directs the Commissioner of Public Safety, in consultation with an advisory group, to create a classification system based on risk to be applied to each person required to register under the Sex Offender Registration and Notification Act of 1999 in order to identify sex offenders based on their risk of reoffending and the degree of likelihood that they pose a danger to the community.

The bill also directs the State Bureau of Identification, based on the advisory group's work, to amend the introductory page of its publicly accessible website, the "Maine Sex Offender Registry Online Search Service," to better describe the classification process and its purpose of providing more detailed information about the risk of offenders to the public and law enforcement.

Committee Amendment "A" (S-180)

This amendment strikes those sections of the bill regarding creation of a classification system and requiring the Department of Public Safety, State Bureau of Identification to include a description of the classification system on its publicly accessible website. This amendment retains the provision of the bill that directs the State Bureau of Identification to include on its Internet posting of registrant information the offender's designation as a 10-year registrant or lifetime registrant. The amendment adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-242)

This amendment strikes the appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 307 amends the law regarding distribution of sex offender registrant information to the public by directing that the Department of Public Safety, State Bureau of Identification include on its Internet posting of registrant information the offender's designation as a 10-year registrant or a lifetime registrant.

LD 1027 Resolve, To Coordinate Stakeholders To Review Best Practices in the Management of Strangulation and Determine Methods To Address the Issue in Maine

**RESOLVE 76
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEVENS MASON	OTP-AM	H-378

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This bill creates an aggravating sentencing factor for assault, domestic violence assault and aggravated assault. If the offensive physical contact, bodily injury or serious bodily injury in the commission of the crime included strangulation, the court must consider it as an aggravating sentencing factor in setting a sentence. "Strangulation" is defined as the application of pressure to another person's throat or neck or the blocking of the other person's nose or mouth that causes the other person to experience impeded breathing or blood circulation.

Committee Amendment "A" (H-378)

This amendment replaces the bill and creates a resolve directing the Maine Commission on Domestic and Sexual Abuse to invite stakeholders to participate in studying strangulation in order to determine the presence and patterns of strangulation in domestic and sexual violence in Maine and the current management of strangulation within Maine's criminal law. The review must include a study of model practices and research in other states, including the impacts of other states' legislation, public awareness activities and changes in policy. The commission shall invite at a minimum the following stakeholders to participate: representatives from state and local law enforcement, prosecutors, the judicial branch, the Criminal Law Advisory Commission, the Maine Coalition to End Domestic Violence, the Maine Coalition Against Sexual Assault, first responders and other emergency care providers.

The commission shall submit a report by February 15, 2012 to the Joint Standing Committee on Criminal Justice and Public Safety. The report must include the commission's findings and recommendations regarding methods to deal with strangulation in Maine, including, as it determines necessary, proposed legislation; proposed education and training for law enforcement, prosecutors and the judiciary; and proposed programs and outreach for public awareness and advocacy. Upon receipt of the commission's report and recommendations, the committee may report out legislation to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2011, chapter 76 directs the Maine Commission on Domestic and Sexual Abuse to invite stakeholders to participate in studying strangulation in order to determine the presence and patterns of strangulation in domestic and sexual violence in Maine and the current management of strangulation within Maine's criminal law. The review must include a study of model practices and research in other states, including the impacts of other states' legislation, public awareness activities and changes in policy. The commission shall invite at a minimum the following stakeholders to participate: representatives from state and local law enforcement, prosecutors, the judicial branch, the Criminal Law Advisory Commission, the Maine Coalition to End Domestic Violence, the Maine Coalition Against Sexual Assault, first responders and other emergency care providers.

The commission shall submit a report by February 15, 2012 to the Joint Standing Committee on Criminal Justice and Public Safety. The report must include the commission's findings and recommendations regarding methods to deal with strangulation in Maine, including, as it determines necessary, proposed legislation; proposed education and training for law enforcement, prosecutors and the judiciary; and proposed programs and outreach for public awareness and advocacy. Upon receipt of the commission's report and recommendations, the committee may report out legislation to the Second Regular Session of the 125th Legislature.

Resolve 2011, chapter 76 was enacted as an emergency measure effective June 13, 2011.

LD 1040 An Act To Amend the Maine Juvenile Code

PUBLIC 336

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER GERZOFKY	OTP-AM	H-532

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This bill makes the following changes.

1. It specifies that persons arrested for juvenile crimes, as well as persons under 18 years of age who are arrested for crimes outside of the Maine Juvenile Code, are not eligible for bail.
2. It specifies that detention of juveniles is applicable to all juveniles who commit new juvenile crimes only if specifically authorized by a juvenile community corrections officer.
3. It specifies that a juvenile may not enter an answer on a juvenile petition when the State has filed a request to have the juvenile tried as an adult or has requested that the case be continued for a determination of whether such a request should be filed. The pending bind-over process must first be resolved before an answer is entered.
4. It requires the Juvenile Court to enter a default judgment when a juvenile fails to respond to a summons alleging a juvenile crime that would be a civil violation if committed by an adult.

Committee Amendment "A" (H-532)

This amendment gives the prosecuting attorney for the State the ability to overrule a juvenile community corrections officer regarding detention decisions for motor vehicle and fish or game violations, which is consistent with the process for other juvenile detention situations.

The amendment also allows, but does not require, the Juvenile Court to enter a default judgment when a juvenile fails to respond to a summons alleging a juvenile crime that would be a civil violation if committed by an adult.

Enacted Law Summary

Public Law 2011, chapter 336 specifies that persons arrested for juvenile crimes, as well as persons under 18 years of age who are arrested for crimes outside of the Maine Juvenile Code, are not eligible for bail. It specifies that detention of juveniles is applicable to all juveniles who commit new juvenile crimes only if specifically authorized by a juvenile community corrections officer. Public Law 2011, chapter 336 specifies that a juvenile may not enter an answer on a juvenile petition when the State has filed a request to have the juvenile tried as an adult or has requested that the case be continued for a determination of whether such a request should be filed. The pending bind-over process must first be resolved before an answer is entered.

Public Law 2011, chapter 336 allows, but does not require, the Juvenile Court to enter a default judgment when a juvenile fails to respond to a summons alleging a juvenile crime that would be a civil violation if committed by an adult.

Public Law 2011, chapter 336 also gives the attorney for the State the ability to overrule a juvenile community corrections officer regarding detention decisions for motor vehicle and fish or game violations, which is consistent with the process for other juvenile detention situations.

LD 1074 An Act To Create the Position of Juvenile Community Service Director in the Department of Corrections

ONTP

Sponsor(s)

SHAW

Committee Report

ONTP

Amendments Adopted

This bill creates the position of Juvenile Community Service Director in the Department of Corrections. The director's duties include coordinating volunteers and community businesses and nonprofit organizations to create

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opportunities for community service programs for juveniles and a comprehensive information network of those opportunities and assisting juvenile community corrections officers, the court, prosecutors and schools to find appropriate community service programs. The cost of maintaining the director position may not be paid with General Fund money but must be supported by probation fees, the amount of which must be determined by the Department of Corrections.

LD 1088 An Act Regarding the Writing of Bad Checks

Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN T		

This bill amends the provision regarding negotiating a worthless instrument by creating a rebuttable presumption of prima facie evidence that a drawer of a dishonored check knew it would be dishonored if the drawer does not pay the amount of the dishonored check and associated fees in full within 24 hours of receiving notice.

LD 1088 was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1090 An Act To Allow a Stay of an Administrative License Suspension for Refusal To Submit to a Test

PUBLIC 143

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	S-61

This bill requires a stay of suspension of a driver's license pending an administrative hearing on the suspension by the Secretary of State for a person who is not entitled to a stay due to refusing to submit to a sobriety test, if the hearing is postponed or otherwise continued by someone else or for a cause not attributable to the person seeking the hearing.

Committee Amendment "A" (S-61)

This amendment clarifies that a stay of license suspension does not apply when the delay of hearing is caused or requested by the petitioner.

Enacted Law Summary

Public Law 2011, chapter 143 requires a stay of suspension of a driver's license pending an administrative hearing on the suspension by the Secretary of State for a person who is not entitled to a stay due to refusing to submit to a sobriety test, if the hearing is postponed or otherwise continued by someone else or for a cause not attributable to the person seeking the hearing. Public Law 2011, chapter 143's stay of license suspension does not apply when the delay of hearing is caused or requested by the petitioner.

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LD 1095 An Act To Facilitate the Construction and Operation of Private Prisons Carried Over
by Authorizing the Transport of Prisoners out of State

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS		

The purpose of this bill is to facilitate the construction and operation of private prisons by specifically authorizing the Commissioner of Corrections to transport a prisoner out of the State for any purpose that the commissioner determines necessary and appropriate, including the transfer of a prisoner to a public or private correctional facility.

LD 1095 was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1098 An Act To Increase Accountability for the Most Serious Offenders of PUBLIC 159
Laws Prohibiting Operating under the Influence of Drugs and Alcohol

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-72

Current law provides for a Class B crime for a person who has a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs who subsequently operates a motor vehicle while under the influence of intoxicating liquor or drugs. In *State v. Stevens*, 2007 ME 5, 912 A.2d 1229, the Supreme Judicial Court ruled that it was not clear whether the 10-year limit on using a prior conviction applied to this current law.

This bill corrects that ambiguity by specifying that the prior criminal homicide conviction applies, regardless of when it occurred, for purposes of an enhanced sentence, a Class B crime, for a subsequent conviction of operating under the influence.

Committee Amendment "A" (S-72)

This amendment makes a correction to current law to reflect the categorization of operating under the influence as either a Class B or Class C crime.

Enacted Law Summary

Public Law 2011, chapter 159 corrects an ambiguity in prior law by specifying that a prior criminal homicide conviction applies, regardless of when it occurred, for purposes of an enhanced sentence for a subsequent conviction of operating under the influence. In *State v. Stevens*, 2007 ME 5, 912 A.2d 1229, the Supreme Judicial Court ruled that it was not clear whether the 10-year limit on using a prior conviction applied to this law. Public Law 2011, chapter 159 makes it clear that the 10-year limit does not apply in these cases.

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LD 1102 An Act To Ensure That Victims Are Kept Informed in Criminal Cases

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	ONTP	

This bill amends the Criminal History Record Information Act to require that the victim of a crime be provided with intelligence and investigative information in as complete and rapid a manner as possible, as long as the disclosure of that information is made with safeguards to prevent events such as interference with law enforcement proceedings, an unwarranted invasion of privacy, disclosure of information designated confidential and endangerment of the life of another individual. Current law provides that criminal justice agencies may provide this information to victims but are not required to do so.

LD 1143 An Act To Require That Law Enforcement Officials Collect DNA Samples from Persons Arrested for Certain Crimes

Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALONEY		

This bill requires a person who has been arrested, charged or indicted on or after January 1, 2012 for murder, a Class A, B or C crime, sexual abuse of a minor, unlawful sexual contact, visual sexual aggression against a child, sexual misconduct with a child under 14 years of age or soliciting a child by a computer to commit a prohibited act to submit to having a DNA sample taken to be added to the state DNA data base.

The bill provides funds to pay for the collection of DNA samples for the state DNA data base by creating the state DNA Data Base Fund surcharge, which requires an additional assessment on all criminal and motor vehicle violation fines equal to 7% of the amount of the fines, to be deposited into the Fund established and administered by the Department of Public Safety.

Committee Amendment "A" (H-576)

This amendment is the majority report of the committee. The amendment requires a person who has been arrested, charged or indicted on or after January 1, 2013 for murder or criminal homicide in the first or 2nd degree; felony murder; manslaughter; aggravated assault; elevated aggravated assault; gross sexual assault, including that formerly denominated as gross sexual misconduct; rape; sexual abuse of a minor; unlawful sexual contact; visual sexual aggression against a child; sexual misconduct with a child under 14 years of age; kidnapping; criminal restraint; burglary; robbery; arson; aggravated criminal mischief; or any lesser included offense of any of these crimes if the greater offense is initially charged to submit to having a DNA sample taken by a law enforcement agency as part of the booking process. "Lesser included offense" has the same meaning as in the Title 17-A, section 13-A.

The amendment specifies that the DNA sample taken pursuant to this requirement may not be analyzed and must be destroyed unless one of the following conditions is met: the arrest was made upon an arrest warrant for murder or a Class A, B or C crime; the defendant has appeared before a judge who made a finding that there was probable cause for the arrest; or the defendant posted bond or was released prior to appearing before a judge or magistrate and then failed to appear for a scheduled hearing.

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The amendment also clarifies that the Chief of the State Police shall expunge the DNA record if the arresting law enforcement agency does not forward the charge to the prosecuting attorney, the prosecuting attorney does not file a charge, the case is dismissed or the defendant is acquitted.

The amendment also strikes from the bill new surcharges and the establishment of the State DNA Data Base Fund and adds an appropriations and allocations section.

Committee Amendment "B" (H-577)

This amendment is the minority report of the committee. The amendment is the same as the majority report, except that it does not automatically allow a DNA sample to be taken upon arrest. The amendment specifies that a DNA sample may not be taken immediately upon arrest unless the arrest was made upon an arrest warrant for murder or a Class A, B or C crime or if the defendant has appeared before a judge who made a finding that there was probable cause for the arrest. If one of these 2 requirements is met, the DNA sample may be taken and the rest of the new provisions apply. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

LD 1143 was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1163 An Act To Implement the Recommendations of the Commissioner of ONTP Corrections' Study Regarding the Placement of Special Management Prisoners

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to implement the recommendations in the Commissioner of Corrections' report regarding the placement of special management prisoners authorized by Resolve 2009, chapter 213.

LD 1165 An Act To Enable Prosecutions for Criminal Invasion of Computer PUBLIC 133 Privacy

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION	OTP-AM	H-185

This bill provides that the crimes of criminal invasion of computer privacy and aggravated criminal invasion of computer privacy may be prosecuted and punished in either the county in which the defendant was located when the defendant committed the crime or in any county in which the computer resource that was accessed, damaged or infected with a virus was located, or, in the case of aggravated criminal invasion of computer privacy, in any county in which the computer program, computer software or computer information that the defendant copied was located.

Committee Amendment "A" (H-185)

This amendment strikes from the bill proposed language that is unnecessary. The items listed in the stricken language are included by definition in the Maine Revised Statutes, Title 17-A, section 434, subsection 2.

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Enacted Law Summary

Public Law 2011, chapter 133 provides that the crimes of criminal invasion of computer privacy and aggravated criminal invasion of computer privacy may be prosecuted and punished in either the county in which the defendant was located when the defendant committed the crime or in any county in which the computer resource that was accessed, damaged or infected with a virus was located, or, in the case of aggravated criminal invasion of computer privacy, in any county in which the computer program, computer software or computer information that the defendant copied was located.

LD 1168 An Act To Exempt Firearms Manufactured in this State from Federal Regulation

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA SNOWE-MELLO	ONTP MAJ OTP MIN	

This intent of the bill is to exempt from federal regulation firearms, firearm accessories and ammunition that are made in Maine and remain in Maine.

LD 1176 An Act To Enhance Reciprocity Agreements Regarding Permits To Carry Concealed Firearms

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA COLLINS	ONTP MAJ OTP-AM MIN	

The purpose of this bill is to enhance reciprocity with other states by removing the requirement that an applicant for a concealed firearms permit demonstrate that the applicant is of "good moral character."

Committee Amendment "A" (H-487)

This amendment is the minority report of the committee. It removes the requirement that an applicant for a concealed firearms permit demonstrate that the applicant is of good moral character and replaces it with the requirement that the applicant show no evidence of behavior contrary to public safety.

This amendment was not adopted.

LD 1178 An Act To Repeal the Laws Governing the Consolidation of Jails

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS TRAHAN	ONTP	

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Public Law 2007, chapter 653 enacted changes to the laws governing the delivery of state and county correctional services. This bill reverses those changes. This bill repeals changes that were enacted pursuant to Public Law 2007, chapter 653, whose purpose was to develop and implement a unified correctional system. The bill eliminates the State Board of Corrections, which was directed to work with counties, the Department of Corrections, the Legislature and other stakeholders in the criminal justice system to oversee and coordinate the correctional system. The bill reenacts procedures for county budgeting that do not separate correctional costs from noncorrectional costs. The bill also reenacts prior procedures for county corrections reimbursement by the State.

LD 1182 An Act To Protect Young Children from Sex Offenses

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	ONTP MAJ OTP-AM MIN	

Current law provides that most sex crimes against a child under 12 years of age, such as gross sexual assault, unlawful sexual contact and sexual exploitation of a minor, are Class A or Class B crimes. This bill increases the class of crime for sexual misconduct with a child under 12 years of age from a Class C to a Class B crime and for unlawful sexual contact with a child under 12 years of age, when the defendant is at least 3 years older, to a Class A crime to bring those crimes more in line with the classification of other sex crimes against children under 12 years of age. Due to the increase in the classification of unlawful sexual contact to a Class A, the Maine Revised Statutes, Title 17-A, section 255-A, subsection 1, paragraph F-1 was made redundant and so is repealed.

Committee Amendment "A" (S-295)

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment adds an appropriations and allocations section.

This amendment was not adopted.

LD 1192 An Act To Require That Marijuana Seized by Law Enforcement Officers Be Tested and Made Available for Use by Authorized Medical Marijuana Dispensaries

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KRUGER	ONTP	

This bill requires that marijuana seized by law enforcement officers be tested by a state laboratory, and if found safe for use, to be made available to a registered dispensary defined under the Maine Medical Use of Marijuana Program. The Department of Health and Human Services shall adopt routine technical rules governing the testing and distribution of marijuana under this section.

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**LD 1201 An Act To Increase the Amount of Funds Available to Counties for
Witness Fees and Prosecution Costs**

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE A MASON	ONTP MAJ OTP-AM MIN	

Current law requires forfeited bail to be paid into an account maintained by each prosecutorial district for the purpose of paying expenses related to extradition of fugitives from justice. The maximum amount that may be retained in that account is \$20,000. This bill increases the amount that may be retained in that account to \$40,000 and expands the uses of the funds in the account to allow it to be used to pay for fees or expenses, including witness fees, incurred by the district attorney in a criminal prosecution.

Committee Amendment "A" (H-294)

This amendment is the minority report and incorporates a fiscal note. This amendment was not adopted.

House Amendment "A" (H-338)

This amendment removes from the bill provisions that increase the amount that may be retained in an account in each prosecutorial district for extradition and prosecutorial expenses from \$20,000 to \$40,000 and it provides that at least \$5,000 in the account must be available for extradition expenses.

This amendment was not adopted.

**LD 1217 Resolve, Directing the Office of the State Fire Marshal To Amend Its
Rules Relative to Construction Permit Applications**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON SULLIVAN	ONTP	

This resolve requires the Department of Public Safety, Office of the State Fire Marshal to amend its rules pertaining to the construction permit application process. It requires the rules to specify what needs to be included in the construction permit application, to permit inclusion of comments from a municipal public safety agency, to include a review and appeals process and to set standards for requiring additional work and more stringent safety measures.

The Fire Marshal's Office has no statutory authority to make a rule pertaining to construction permit applications and cannot amend rules that do not exist.

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LD 1227 An Act Concerning the Disposal of Unclaimed, Lost or Stolen Personal Property by Law Enforcement Agencies

PUBLIC 267

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DC	OTP-AM	H-413

This bill amends the statutes regarding disposal of unclaimed, lost or stolen personal property by law enforcement by authorizing 2 new options: 1) property in a law enforcement agency's custody may be donated to a nonprofit organization or charity, or 2) it may be disposed of as waste. Currently, law enforcement agencies hold the property until there is a sufficient amount to auction. The bill also specifies that any property disposed of as waste by a law enforcement agency may not be owned or used by any member of a law enforcement agency or an immediate family member of a law enforcement agency member.

Committee Amendment "A" (H-413)

This amendment changes the process of notification of abandoned, lost or stolen property in the possession of a state law enforcement agency to require the notification to be posted in a newspaper of general circulation in the county in which the property was taken into custody, instead of in a newspaper having statewide circulation as the bill proposes.

Enacted Law Summary

Public Law 2011, chapter 267 amends the statutes regarding disposal of unclaimed, lost or stolen personal property by law enforcement by authorizing 2 new options: 1) property in a law enforcement agency's custody may be donated to a nonprofit organization or charity, or 2) it may be disposed of as waste. Public Law 2011, chapter 267 specifies that any property disposed of as waste by a law enforcement agency may not be owned or used by any member of a law enforcement agency or an immediate family member of a law enforcement agency member. Public Law 2011, chapter 267 also changes the process of notification of abandoned, lost or stolen property in the possession of a state law enforcement agency to require the notification to be posted in a newspaper of general circulation in the county in which the property was taken into custody, instead of in a newspaper having statewide circulation.

LD 1232 An Act To Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY SNOWE-MELLO	ONTP MAJ OTP MIN	

This bill removes the prohibition on having a loaded firearm or crossbow in a motor vehicle for a person other than a holder of a concealed weapons permit. The bill provides the exception that a person may shoot from a motor vehicle or motorboat in the defense of life and property. The bill removes the prohibition on concealing a dangerous weapon except by a holder of a concealed weapons permit, and it removes exceptions to the law prohibiting the carrying of a concealed dangerous weapon.

Committee Amendment "A" (H-584)

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This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and adds an appropriations and allocations section.

This amendment was not adopted.

LD 1299 An Act To Allow Deferred Disposition in Juvenile Cases

PUBLIC 384

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP-AM	S-289

This bill allows the juvenile court to order a deferred disposition in the same manner as the adult court orders deferred dispositions. Deferred disposition is a sentencing alternative that is available to persons who plead guilty to a Class C, D or E crime. After accepting a guilty plea, the court may order the persons' sentencing be deferred to a date certain and impose requirements for the person to meet during the period of deferment. At the end of the deferment, if the person can prove to the court by a preponderance of the evidence that the person has met the requirements, the court dismisses the charges.

Committee Amendment "A" (S-289)

This amendment replaces the bill. The amendment creates the option of deferred disposition in juvenile cases but instead of providing the same option for juveniles that is provided in the Maine Criminal Code, it enacts this procedure in the Maine Juvenile Code with appropriate terminology and procedures for juveniles.

Enacted Law Summary

Public Law 2011, chapter 384 establishes the option of deferred disposition in juvenile cases by enacting this procedure in the Maine Juvenile Code.

LD 1302 An Act To Extend Fire Code Rules to Single-family Dwellings Used as Nursing Homes for 3 or Fewer Patients

PUBLIC 398

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARKE	OTP	

Current law provides that certain fire code rules adopted by the Commissioner of Public Safety do not apply to nursing homes having 3 or fewer patients. This bill removes that limitation, extending application of those rules to nursing homes with 3 or fewer patients.

Enacted Law Summary

Public Law 2011, chapter 398 extends the application of rules governing the safety to life from fire in or around all buildings and other structures and mass outdoor gatherings adopted by the Commissioner of Public Safety to nursing homes with 3 or fewer patients.

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LD 1308 An Act To Strengthen Computer Privacy

PUBLIC 377

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON	OTP-AM	S-208

This bill allows for the conviction of a person residing outside of Maine who commits criminal invasion of computer privacy or aggravated criminal invasion of computer privacy as long as the victim of the crime is residing in Maine at the time of the crime.

Committee Amendment "A" (S-208)

This amendment replaces the bill and creates a section regarding added jurisdiction that applies to the whole chapter on computer crimes. The new provision, like the bill, gives the State jurisdiction to convict a person residing outside the State who commits criminal invasion of computer privacy or aggravated criminal invasion of computer privacy if the victim was a resident of the State at the time of the crime.

Enacted Law Summary

Public Law 2011, chapter 377 creates a section regarding added jurisdiction that applies to chapter regarding computer crimes in the Maine Criminal Code. The new provision gives the State jurisdiction to convict a person residing outside the State who commits criminal invasion of computer privacy or aggravated criminal invasion of computer privacy if the victim was a resident of the State at the time of the crime.

LD 1315 An Act To Establish an Integrated Statewide System To Manage and Enforce Electronic Warrants

PUBLIC 214

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER MASON	OTP	

This bill establishes an integrated statewide system to manage and enforce electronic warrants. The purpose of this integrated system is to reduce duplicative paperwork and improve accuracy of information in order to improve public safety and government administration of arrest warrants.

Enacted Law Summary

Public Law 2011, chapter 214 establishes an integrated statewide system to manage and enforce electronic warrants. The purpose of this integrated system is to reduce duplicative paperwork and improve accuracy of information in order to improve public safety and government administration of arrest warrants. The new system is scheduled to take effect February 1, 2012.

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LD 1317 An Act Concerning Sex Offender Registry Information

PUBLIC 299

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER	OTP-AM	H-466 H-497 PLUMMER

This bill provides that, except to the extent required to permit access to information identified in current law as publicly accessible, information administered, maintained or contributed to by the Department of Public Safety, Bureau of State Police, State Bureau of Identification in connection with the sex offender registry may not be publicly accessed or disseminated.

Committee Amendment "A" (H-466)

This amendment replaces the bill. The amendment provides that sex offender registry information created, collected or maintained by the Department of Public Safety, Bureau of State Police, State Bureau of Identification, except for the basic information about registrants that is posted on the Internet or provided to requestors by the bureau pursuant to law, is confidential. Registry information that is designated as confidential includes, but is not limited to, information relating to the identity of persons accessing the registry. Information listed in the Title 34-A, section 11221, subsection 9 remains public.

This amendment revises the law concerning a registrant's ability to access the registrant's own information. Information listed in Title 34-A, section 11221, subsection 1, paragraphs A to F about the registrant must be provided to the registrant upon request. The process for accessing and reviewing the information is governed by Title 16, section 620.

This amendment also prohibits the dissemination in electronic form of information about a registrant that is created, collected or maintained by or for the State Bureau of Identification or a law enforcement agency, with the exception of information made available to the public through an Internet website maintained by the bureau or by the law enforcement agency.

House Amendment "A" To Committee Amendment "A" (H-497)

This amendment specifies that any information maintained by the Department of Public Safety, Bureau of State Police, State Bureau of Identification relating to applications and decisions that are related to the process to seek relief from the duty to register are public records.

Enacted Law Summary

Public Law 2011, chapter 299 provides that sex offender registry information created, collected or maintained by the Department of Public Safety, Bureau of State Police, State Bureau of Identification, except for the basic information about registrants that is posted on the Internet or provided to requestors by the bureau pursuant to law or any information maintained relating to applications and decisions that are related to the process to seek relief from the duty to register, is confidential. Registry information that is designated as confidential includes, but is not limited to, information relating to the identity of persons accessing the registry. Information listed in the Title 34-A, section 11221, subsection 9 remains public.

Public Law 2011, chapter 299 revises the law concerning a registrant's ability to access the registrant's own information. Information listed in Title 34-A, section 11221, subsection 1, paragraphs A to F about the registrant must be provided to the registrant upon request. The process for accessing and reviewing the information is

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governed by Title 16, section 620.

Public Law 2011, chapter 299 also prohibits the dissemination in electronic form of information about a registrant that is created, collected or maintained by or for the State Bureau of Identification or a law enforcement agency, with the exception of information made available to the public through an Internet website maintained by the bureau or by the law enforcement agency.

LD 1318 An Act To Repeal the Law Regarding DNA Collection

PUBLIC 221

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER	OTP	

Current law requires the collection of DNA from an individual convicted of a Class D or E crime who, prior to January 1, 1996, committed a crime that, if committed on or after that date, would require that the person submit to having a DNA sample taken. This bill repeals that requirement.

Enacted Law Summary

Public Law 2011, chapter 221 repeals that requirement that DNA be collected from individual convicted of a Class D or E crime who, prior to January 1, 1996, committed a crime that, if committed on or after that date, would require that the person submit to having a DNA sample taken.

LD 1347 An Act Relating to Locations where Concealed Weapons May Be Carried

PUBLIC 394

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA TRAHAN	OTP-AM MAJ ONTP MIN	H-530

This bill eliminates the prohibition on certain persons possessing firearms in certain locations, including state parks and historic sites, premises licensed for the consumption of alcohol, state property under the jurisdiction of the Department of Public Safety and the Legislative Council and locations of labor disputes. Specifically, notwithstanding any statutory provisions or rules prohibiting the possession of a firearm, the bill permits the following persons to possess firearms:

1. A person to whom a valid permit to carry a concealed firearm has been issued under the Maine Revised Statutes, Title 25, chapter 252. The person must have in that person's possession the valid permit;
2. A person to whom a valid permit to carry a concealed firearm has been issued by another state if a permit to carry a concealed firearm issued from that state has been granted reciprocity under Title 25, chapter 252. The person must have in that person's possession the valid permit;
3. An authorized federal, state or local law enforcement officer in the performance of the officer's official duties;
4. A qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The law enforcement officer must have in the law enforcement officer's possession photographic identification issued by the law enforcement agency by which the person is employed as a law enforcement officer;

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5. A qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The retired law enforcement officer must have in the retired law enforcement officer's possession:

A. Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer that indicates that the person has, not less recently than one year before the date the person is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or

B. Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer and a certification issued by the state in which the person resides that indicates that the person has, not less recently than one year before the date the person is carrying the concealed firearm, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm;

6. A private investigator licensed under Title 32, chapter 89 who is actually performing as a private investigator; and

7. A security guard to the extent that federal laws or rules required the security guard to be armed with a dangerous weapon at a labor dispute site or a security guard who is employed by an employer involved in a labor dispute, strike or lockout at the location where applications for employment with the employer will be accepted, interviews of those applicants conducted or medical examinations of those applicants performed.

This bill does not eliminate or amend provisions governing the possession of firearms in or on school property or courthouses.

Committee Amendment "A" (H-530)

This amendment is the majority report of the committee. The amendment eliminates the prohibition on certain persons possessing firearms in state parks and historic sites. The amendment retains provisions in the bill that allow certain persons to possess firearms pursuant to the Title 25, section 2001-A, but removes from that list licensed private investigators performing as private investigators because current law requires them to have a concealed firearms permit. It also removes from the bill provisions allowing certain persons to have a loaded pistol or revolver in a motor vehicle or trailer hauled by a motor vehicle, allowing the possession of concealed firearms on premises serving alcohol and allowing certain persons to carry concealed firearms at the capitol area and other state-controlled areas. The amendment also removes provisions in the bill that amend the laws concerning the carrying of a firearm at the site of a labor dispute.

Enacted Law Summary

Public Law 2011, chapter 394 eliminates any prohibitions on possessing concealed firearms in state parks and historic sites.

Public Law 2011, Chapter 394 also adds to the list of exceptions to the provision concerning the carrying of concealed firearms in Title 25, section 2001-A the following persons:

1. An authorized federal, state or local law enforcement officer in the performance of the officer's official duties;
2. A qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The law enforcement officer must have in the law enforcement officer's possession photographic identification issued by the law enforcement agency by which the person is employed as a law enforcement officer; or
3. A qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The retired law

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enforcement officer must have in the retired law enforcement officer's possession:

A. Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer that indicates that the person has, not less recently than one year before the date the person is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or

B. Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer and a certification issued by the state in which the person resides that indicates that the person has, not less recently than one year before the date the person is carrying the concealed firearm, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

LD 1363 An Act Regarding the Publication of Information Related to Persons ONTP Convicted of Operating under the Influence of Alcohol or Drugs

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA COLLINS	ONTP	

This bill requires the Department of Public Safety, State Bureau of Identification to publish on a State website information regarding persons who are convicted or plead no contest to an OUI. The information that must be posted on the website includes:

1. The name of the defendant;
2. The municipality of residence of the defendant;
3. The offense;
4. The date of the offense;
5. The location of the offense;
6. The blood-alcohol level of the defendant or the drug used by the defendant; and
7. A photograph of the defendant.

SBI shall provide a link to this information on the home page of the publicly accessible website of the State and shall update this information at least once per month. The bureau shall publish the information described in subsection 1 for 6 months for a first offense, 2 years for a 2nd offense and 10 years for a 3rd offense. An additional \$25 surcharge must be imposed in each OUI conviction to pay for the cost of the registry.

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LD 1392 An Act To Increase the Penalty for Sexual Abuse by Certain Offenders

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	ONTP MAJ OTP-AM MIN	

This bill increases the sentencing class of a sex offense by one class or, for a Class A offense, increases the maximum term of imprisonment from 30 to 40 years if the offender is a family or household member of or in a position of authority over the victim and being a family or household member of or in a position of authority over the victim is not an element of the offense.

Committee Amendment "A" (S-283)

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. It adds an appropriations and allocations section.

This amendment was not adopted.

**LD 1399 An Act To Implement the Recommendations of the Criminal Law
Advisory Commission Relative to the Maine Criminal Code and Related
Statutes**

PUBLIC 464

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-618 S-360 ROSEN R

This bill amends the Title 15, section 101-D, subsection 5, paragraph A in 4 regards: it precludes the Commissioner of Health and Human Services from commencing involuntary commitment proceedings following a court finding of incompetency and the dismissal of all criminal charges against the defendant when that defendant is subject to an undischarged term of imprisonment; it requires the court dismissing the criminal charges to order the defendant into execution of the undischarged term of imprisonment; it imposes on the correctional facility to which the defendant must be transported the duty to do the transporting; and it corrects a reference to the Department of Health and Human Services and replaces the word "procedures" with the word "proceedings."

It amends Title 15, section 101-D, subsection 9 by requiring that, if a post-sentencing examination must take place outside the correctional facility, that correctional facility has the duty to provide transportation and security for the examination.

It authorizes a warrantless arrest based on probable cause for a violation of a condition of release from a community confinement monitoring program pursuant to Title 30-A, section 1659-A, subsection A.

It amends each of the forms of the Maine Criminal Code crimes of gross sexual assault, unlawful sexual contact and unlawful sexual touching in which the actor is a psychiatrist, psychologist or licensed social worker, or a person purporting to be a psychiatrist, psychologist or licensed social worker, by deleting the current elemental requirement

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that the patient or client be receiving "mental health therapy" from the actor.

It amends the Maine Criminal Code crime of sexual abuse of minors by repealing current Title 17-A, section 254, subsection 1, paragraph F and moving its substance into a new Title 17-A, section 254, subsection 1, paragraph A-3 for purposes of clarity. It also replaces the current reference in Title 17-A, section 254, subsection 2 to paragraph F with a reference to paragraph A-3.

It amends Title 17-A, section 284, subsection 5 by striking the term "dissemination," which has no relevance to the crime of possession of sexually explicit material, and by adding the terms "transporting," "exhibiting" and "purchasing," which, like the term "possession," constitute the alternative prohibited conduct elements regarding the sexually explicit visual image or material.

It amends Title 17-A, section 506 to clarify that current electronic communication devices and those to be developed in the future are included within section 506. A new subsection 2-A is added that defines "electronic communication device" to mean any electronic or digital product that communicates at a distance by electronic transmission impulses or by fiber optics, including any software capable of sending or receiving communication, allowing a person to electronically engage in the conduct prohibited under section 506.

It adds a new subsection to Title 17-A, section 755 to comprehensively address the crime of escape from a community confinement monitoring program. Currently, this form of escape, unlike escape from supervised community confinement granted pursuant to Title 34-A, section 3036-A, is not defined in section 755, but instead is defined only in Title 30-A, section 1659-A. To eliminate confusion, it amends escape to incorporate this version by relying in part on escape as defined in Title 17-A, section 755 and by replacing Title 30-A, section 1659-A, subsection 5 with a cross-reference to the new provision in escape.

It amends the definition of "contraband" in Title 17-A, section 757, subsection 2 to include any tool or other item that may be used to facilitate a violation of section 755. This form of contraband was unintentionally omitted when sections 756 and 757 were amended by Public Law 2009, chapter 608, sections 5 and 6.

It amends the name of the crime "trafficking in dangerous knives" to "possession or distribution of dangerous knives" in order to more accurately describe the crime.

It amends Title 17-A, section 1107-A, subsection 4, providing for an affirmative defense based on a valid prescription to the crime of unlawful possession of scheduled drugs, by adding the schedule W drugs containing methamphetamine, hydrocodone or hydromorphone.

It amends Title 17-A, section 1111-A in the following ways: it amends the title of the section from "sale and use of drug paraphernalia" to "use of drug paraphernalia" to more accurately describe the crime; for clarity, it deletes subsection 4 and replaces it with a new subsection 4-A that addresses the crime of "use of drug paraphernalia" and a new subsection 4-B that addresses civil violations; and it repeals existing exclusion language and instead converts it to an exception under the protections afforded to persons pursuant to the Maine Medical Use of Marijuana Act.

It amends Title 17-A, section 1253, subsection 2 to allow for a detention credit to be awarded for any portion of a day a person is detained short of 24 hours for a person who has previously been detained for the conduct for which the person is sentenced to a term of imprisonment or an initial unsuspended portion of a split sentence of 96 hours or less. It limits the application of the partial day credit to persons whose crime is committed after October 15, 2011 to avoid an unconstitutional application.

It amends Title 17-A, section 1326-A to allow a court to determine the time and method of restitution payment, even if the person is a client of the Department of Corrections.

It amends work program release restitution for clarification and to add another circumstance in which the

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requirements imposed under Title 17-A, section 1330 apply.

It amends the Maine Criminal Code sentencing alternative of unconditional discharge addressed in Title 17-A, section 1346 to allow the Class D and Class E crimes not eligible for a sentencing alternative involving probation pursuant to Title 17-A, section 1201, subsection 1 to nonetheless be eligible for an unconditional discharge.

Committee Amendment "A" (H-618)

This amendment clarifies that for purposes of relationships between patients and providers, the relationship must be current, therefore not criminalizing conduct after the patient-provider relationship has concluded. The amendment also properly places the violation dealing with sexual contact, the Maine Revised Statutes, Title 17-A, section 254, subsection 1, paragraph A-3 proposed in the bill in Title 17-A, section 255-A, which deals with unlawful sexual contact offenses, not sexual acts.

The amendment adds language to Title 17-A, section 284 to be consistent with recently enacted Public Law 2011, chapter 50. The amendment adds language to specify that income withholding orders remain effective and enforceable until restitution is paid in full, even after an offender is no longer in the custody or under the supervision of the Department of Corrections. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-360)

This amendment specifies that the provision concerning harassment by telephone or by electronic communication device takes effect July 1, 2012.

Enacted Law Summary

Public Law 2011, chapter 464 makes a number of changes to the Criminal Code and related statutes. Specifically, it enacts the following changes.

1. It amends the Title 15, section 101-D, subsection 5, paragraph A in 4 regards: it precludes the Commissioner of Health and Human Services from commencing involuntary commitment proceedings following a court finding of incompetency and the dismissal of all criminal charges against the defendant when that defendant is subject to an undischarged term of imprisonment; it requires the court dismissing the criminal charges to order the defendant into execution of the undischarged term of imprisonment; it imposes on the correctional facility to which the defendant must be transported the duty to do the transporting; and it corrects a reference to the Department of Health and Human Services and replaces the word "procedures" with the word "proceedings."
2. It amends Title 15, section 101-D, subsection 9 by requiring that, if a post-sentencing examination must take place outside the correctional facility, that correctional facility has the duty to provide transportation and security for the examination.
3. It authorizes a warrantless arrest based on probable cause for a violation of a condition of release from a community confinement monitoring program pursuant to Title 30-A, section 1659-A, subsection A.
4. It amends each of the forms of the Maine Criminal Code crimes of gross sexual assault, unlawful sexual contact and unlawful sexual touching in which the actor is a psychiatrist, psychologist or licensed social worker, or a person purporting to be a psychiatrist, psychologist or licensed social worker, by deleting the current elemental requirement that the patient or client be receiving "mental health therapy" from the actor. It clarifies that for purposes of relationships between patients and providers, the relationship must be current, therefore not criminalizing conduct after the patient-provider relationship has concluded, and it properly places the violation dealing with sexual contact in Title 17-A, section 255-A, which deals with unlawful sexual contact offenses, not sexual acts.
5. It amends the Maine Criminal Code crime of sexual abuse of minors by repealing current Title 17-A, section 254, subsection 1, paragraph F and moving its substance into a new Title 17-A, section 254, subsection 1, paragraph A-3 for purposes of clarity. It also replaces the current reference in Title 17-A, section 254, subsection 2 to paragraph F

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with a reference to paragraph A-3.

6. It amends Title 17-A, section 284, subsection 5 by striking the term "dissemination," which has no relevance to the crime of possession of sexually explicit material, and by adding the terms "transporting," "exhibiting" and "purchasing," which, like the term "possession," constitute the alternative prohibited conduct elements regarding the sexually explicit visual image or material.

7. It amends Title 17-A, section 506 to clarify that current electronic communication devices and those to be developed in the future are included within section 506. A new subsection 2-A is added that defines "electronic communication device" to mean any electronic or digital product that communicates at a distance by electronic transmission impulses or by fiber optics, including any software capable of sending or receiving communication, allowing a person to electronically engage in the conduct prohibited under section 506. Changes regarding electronic communications do not become effective until July 1, 2012.

8. It adds a new subsection to Title 17-A, section 755 to comprehensively address the crime of escape from a community confinement monitoring program. Currently, this form of escape, unlike escape from supervised community confinement granted pursuant to Title 34-A, section 3036-A, is not defined in section 755, but instead is defined only in Title 30-A, section 1659-A. To eliminate confusion, it amends escape to incorporate this version by relying in part on escape as defined in Title 17-A, section 755 and by replacing Title 30-A, section 1659-A, subsection 5 with a cross-reference to the new provision in escape.

9. It amends the definition of "contraband" in Title 17-A, section 757, subsection 2 to include any tool or other item that may be used to facilitate a violation of section 755. This form of contraband was unintentionally omitted when sections 756 and 757 were amended by Public Law 2009, chapter 608, sections 5 and 6.

10. It amends the name of the crime "trafficking in dangerous knives" to "possession or distribution of dangerous knives" in order to more accurately describe the crime.

11. It amends Title 17-A, section 1107-A, subsection 4, providing for an affirmative defense based on a valid prescription to the crime of unlawful possession of scheduled drugs, by adding the schedule W drugs containing methamphetamine, hydrocodone or hydromorphone.

12. It amends Title 17-A, section 1111-A in the following ways: it amends the title of the section from "sale and use of drug paraphernalia" to "use of drug paraphernalia" to more accurately describe the crime; for clarity, it deletes subsection 4 and replaces it with a new subsection 4-A that addresses the crime of "use of drug paraphernalia" and a new subsection 4-B that addresses civil violations; and it repeals existing exclusion language and instead converts it to an exception under the protections afforded to persons pursuant to the Maine Medical Use of Marijuana Act.

13. It amends Title 17-A, section 1253, subsection 2 to allow for a detention credit to be awarded for any portion of a day a person is detained short of 24 hours for a person who has previously been detained for the conduct for which the person is sentenced to a term of imprisonment or an initial unsuspended portion of a split sentence of 96 hours or less. It limits the application of the partial day credit to persons whose crime is committed after October 15, 2011 to avoid an unconstitutional application.

14. It amends Title 17-A, section 1326-A to allow a court to determine the time and method of restitution payment, even if the person is a client of the Department of Corrections. It also adds language to specify that income withholding orders remain effective and enforceable until restitution is paid in full, even after an offender is no longer in the custody or under the supervision of the Department of Corrections.

15. It amends work program release restitution for clarification and to add another circumstance in which the requirements imposed under Title 17-A, section 1330 apply.

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16. It amends the Maine Criminal Code sentencing alternative of unconditional discharge addressed in Title 17-A, section 1346 to allow the Class D and Class E crimes not eligible for a sentencing alternative involving probation pursuant to Title 17-A, section 1201, subsection 1 to nonetheless be eligible for an unconditional discharge.

LD 1400 An Act To Address Certain Aspects of Bail

PUBLIC 341

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-534

This bill amends the Maine Bail Code in several ways. It adds a new definition of "crime involving domestic violence," which means a crime of domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking or domestic violence reckless conduct, as defined in the Title 17-A, as well as a violation of a protective order under Title 19-A, section 4011 in which the alleged victim is a family or household member as defined in Title 19-A, section 4002, subsection 4.

The bill replaces "district attorney" with "responsible prosecutorial office" to broaden the application to include the Attorney General's Office as well as any district attorney.

It adds a new provision addressing the preconviction limitations on a bail commissioner's authority as provided in Title 15, section 1092, subsection 4.

It adds a provision requiring that in the preconviction context a bail commissioner specify a court date within 8 weeks of the date of the bail order when that bail order uses one or more release conditions not automatically included in every bail order for pretrial release.

The bill adds a provision that requires that the court and not a bail commissioner set preconviction bail for a crime if: the condition of release alleged to be violated relates to new criminal conduct for a Class C or above crime or a Class D or Class E crime that involves domestic violence, sexual assault or sexual exploitation of minors; the underlying crime for which preconviction bail was granted is classified as Class C or above; or the underlying crime for which preconviction bail was granted involves domestic violence, sexual assault or sexual exploitation of minors.

The bill clarifies that a law enforcement officer may make a warrantless arrest in the context of an anticipated motion to revoke bail by the attorney for the State. It expressly authorizes an arrest under these circumstances when the attorney for the State requests that the defendant be arrested for purposes of instituting a revocation of bail. The bill does not address an arrest for a violation of the crime of violation of a condition of release pursuant to Title 15, section 1092.

The bill adds to the list of circumstances in which a law enforcement officer may make a warrantless arrest the following: a violation of preconviction or post-conviction bail pursuant to Title 15, section 1095, subsection 2 or section 1098, subsection 2 upon request of the attorney for the State; failure to appear in violation of Title 15, section 1091, subsection 1, paragraph A; and a Class D or Class E crime committed while released on preconviction or post-conviction bail.

Committee Amendment "A" (H-534)

This amendment clarifies that if a bail commissioner does not have sufficient information to determine whether the bail commissioner is authorized to set bail on a violation of a condition of release, the bail commissioner may not set bail.

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Enacted Law Summary

Public Law 2011, chapter 341 amends the Maine Bail Code in the following ways.

1. It adds a new definition of "crime involving domestic violence," which means a crime of domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking or domestic violence reckless conduct, as defined in the Title 17-A, as well as a violation of a protective order under Title 19-A, section 4011 in which the alleged victim is a family or household member as defined in Title 19-A, section 4002, subsection 4.
2. It replaces "district attorney" with "responsible prosecutorial office" to broaden the application to include the Attorney General's Office as well as any district attorney.
3. It adds a new provision addressing the preconviction limitations on a bail commissioner's authority as provided in Title 15, section 1092, subsection 4. It also clarifies that if a bail commissioner does not have sufficient information to determine whether the bail commissioner is authorized to set bail on a violation of a condition of release, the bail commissioner may not set bail.
4. It adds a provision requiring that in the preconviction context a bail commissioner specify a court date within 8 weeks of the date of the bail order when that bail order uses one or more release conditions not automatically included in every bail order for pretrial release.
5. It adds a provision that requires that the court and not a bail commissioner set preconviction bail for a crime if: the condition of release alleged to be violated relates to new criminal conduct for a Class C or above crime or a Class D or Class E crime that involves domestic violence, sexual assault or sexual exploitation of minors; the underlying crime for which preconviction bail was granted is classified as Class C or above; or the underlying crime for which preconviction bail was granted involves domestic violence, sexual assault or sexual exploitation of minors.
6. It clarifies that a law enforcement officer may make a warrantless arrest in the context of an anticipated motion to revoke bail by the attorney for the State. It expressly authorizes an arrest under these circumstances when the attorney for the State requests that the defendant be arrested for purposes of instituting a revocation of bail. It does not address an arrest for a violation of the crime of violation of a condition of release pursuant to Title 15, section 1092.
7. It adds to the list of circumstances in which a law enforcement officer may make a warrantless arrest the following: a violation of preconviction or post-conviction bail pursuant to Title 15, section 1095, subsection 2 or section 1098, subsection 2 upon request of the attorney for the State; failure to appear in violation of Title 15, section 1091, subsection 1, paragraph A; and a Class D or Class E crime committed while released on preconviction or post-conviction bail.

LD 1404 An Act To Enhance Public Safety Response to High-risk Events

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PILON GERZOFSKY	ONTP	

This bill requires the establishment of the Committee on Tactical Force Administration to review and make recommendations on tactical law enforcement incidents. The bill requires the Board of Trustees of the Maine Criminal Justice Academy to adopt certification standards and training programs for crisis negotiators and tactical

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teams.

LD 1413 An Act To Amend the Maine Juvenile Code To Address the Issue of Competency

**PUBLIC 282
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-412

This bill repeals provisions regarding suspension of juvenile proceedings for mentally ill or incapacitated juveniles and enacts provisions establishing criteria to determine whether a juvenile is competent to proceed in a juvenile proceeding. The bill specifies that a juvenile is competent to proceed in a juvenile proceeding if the juvenile has a rational as well as a factual understanding of the proceedings against the juvenile and a sufficient present ability to consult with legal counsel with a reasonable degree of rational understanding. The issue as to a juvenile's competency to proceed may be raised by the juvenile, by the State or by the Juvenile Court at any point in the juvenile proceeding after a finding of probable cause and prior to the imposition of a final order of disposition. A competency determination is necessary only when the Juvenile Court has a reasonable doubt as to a juvenile's competency to proceed.

The bill provides that if the Juvenile Court determines that a competency determination is necessary, it shall order that a juvenile be examined by the State Forensic Service to evaluate the juvenile's competency to proceed. The examination must take place within 21 days of the court's order. Pending a competency examination, the Juvenile Court shall suspend the proceeding on the petition. The suspension remains in effect pending the outcome of a competency determination hearing. Suspension of the proceeding does not affect the Juvenile Court's ability to detain or release the juvenile.

The bill requires that the State Forensic Service examiner evaluate whether the juvenile appreciates the allegations of the petition, the nature of the adversarial process and the range of possible dispositions that may be imposed in the proceedings against the juvenile, whether the juvenile can disclose to counsel facts pertinent to the proceedings and display logical and autonomous decision making and appropriate courtroom behavior and whether the juvenile can testify relevantly at proceedings.

The bill provides that in assessing the juvenile's competency, the State Forensic Service examiner shall compare the juvenile being examined to juvenile norms that are broadly defined as those skills typically possessed by the average juvenile defendant adjudicated in the juvenile justice system. The State Forensic Service examiner shall determine and report if the juvenile suffers from mental illness, mental retardation or chronological immaturity and the severity of the impairment and its potential effect on the juvenile's competency to proceed. If the State Forensic Service examiner determines that the juvenile suffers from chronological immaturity, the examiner shall compare the juvenile to the average juvenile defendant. If the State Forensic Service examiner determines that the juvenile suffers from a mental illness, the examiner must provide the prognosis of the mental illness. The State Forensic Service examiner's report must also state an opinion whether there exists a substantial probability that the deficiencies related to competence identified in the report, if any, can be ameliorated in the foreseeable future.

If the Juvenile Court finds that the juvenile is competent to proceed, the Juvenile Court shall set a time for the resumption of the proceedings. The burden of proof is on the State if the juvenile is less than 14 years of age at the time the issue of competence is raised. If the juvenile is at least 14 years of age at the time the issue of competence is raised, the burden of proof is on the juvenile. In the event the State has the burden of proof, it must show by a preponderance of the evidence that the juvenile is competent to proceed. In the event the juvenile has the burden of proof, the juvenile must show by a preponderance of the evidence that the juvenile is not competent to proceed. Statements made by the juvenile in the course of an examination may not be admitted as evidence in the adjudicatory

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stage for the purpose of proving any juvenile crime alleged.

Even if the Juvenile Court has found the juvenile to be competent to proceed in a juvenile proceeding, if the juvenile is subsequently bound over for prosecution in the Superior Court or a court with a unified criminal docket, the issue of the juvenile's competency may be revisited since the juvenile is then being treated as an adult rather than as a juvenile.

If the Juvenile Court finds that the juvenile is not competent to proceed but additionally finds that there exists a substantial probability that the juvenile will be competent in the foreseeable future, the Juvenile Court shall continue to suspend the proceedings and refer the juvenile to the Commissioner of Health and Human Services for evaluation and treatment of the mental health and behavioral needs identified in the report of the State Forensic Service examiner. At the end of 60 days or sooner, at the end of 180 days and at the end of one year following referral, the State Forensic Service shall forward a report to the Juvenile Court relative to the juvenile's competency to proceed and its reasons. Upon receipt of the report the Juvenile Court shall forward the report to the parties and without delay set a date for a conference of counsel or, upon a motion of any party, set a hearing on the question of the juvenile's competency to proceed. If the Juvenile Court finds that the juvenile is not yet competent to proceed, but there exists a substantial probability that the juvenile will be competent to proceed in the foreseeable future, the proceedings must remain suspended pending further review or hearing.

If one year after suspension of the proceedings, the Juvenile Court determines that the juvenile is not competent to proceed, the Juvenile Court shall immediately release the juvenile if detained in a juvenile correctional facility unless any party presents clear and convincing evidence that there exists a substantial probability that the juvenile will be competent in the foreseeable future. If the Juvenile Court finds that the juvenile is incompetent to proceed and that there does not exist a substantial probability that the juvenile will be competent in the foreseeable future, the Juvenile Court shall schedule a hearing to determine whether or not the court should order the Commissioner of Health and Human Services to evaluate the appropriateness of providing mental health and behavioral support services to the juvenile or order the juvenile into the custody of the Commissioner of Health and Human Services for purposes of placement and treatment.

At the conclusion of the hearing the Juvenile Court shall dismiss the petition or, if post-adjudication, vacate the adjudication order and dismiss the petition.

If during the suspension of the proceedings the juvenile reaches 18 years of age, the Juvenile Court may evaluate the appropriateness of placing the juvenile in an appropriate institution for the care and treatment of adults with mental illness or mental retardation for observation, care and treatment.

The Juvenile Court shall set a time for resumption of the proceedings if at any point it finds, based upon the burden and standard of proof, that the juvenile is now competent to proceed.

If following the competency determination hearing the Juvenile Court finds that the juvenile is incompetent to proceed and that there does not exist a substantial probability that the juvenile will be competent in the foreseeable future, the Juvenile Court shall release the juvenile if detained in a juvenile correctional facility and schedule a hearing to determine whether or not the Juvenile Court should order the Commissioner of Health and Human Services to evaluate the appropriateness of providing mental health and behavioral support services to the juvenile or order the juvenile into the custody of the Commissioner of Health and Human Services for purposes of placement and treatment.

At the conclusion of the hearing the Juvenile Court shall dismiss the petition or, if post-adjudication, vacate the adjudication order and dismiss the petition.

Committee Amendment "A" (H-412)

This amendment makes clear that the purpose of the report of the State Forensic Service examiner is to assist, not

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prescribe, the court's determination of competency. It provides that the court, upon receipt of the report of the State Forensic Service examiner, must provide a copy of that report to the parties. It makes explicit that the court may consider the report of the State Forensic Service examiner, together with all other evidence relevant to competency, in its determination whether a juvenile is competent to proceed and that no single criterion addressed in the report of the State Forensic Service examiner is binding on the court's determination.

In two places, it eliminates an ambiguity that might have required a juvenile's release from a juvenile correctional facility before the court held a hearing to determine what referrals are appropriate with respect to a juvenile whose case is subject to dismissal under the Title 34-A, section 3318-B. The amendment also adds an emergency preamble and clause.

Enacted Law Summary

Public Law 2011, chapter 282 repeals provisions regarding suspension of juvenile proceedings for mentally ill or incapacitated juveniles and enacts provisions establishing criteria to determine whether a juvenile is competent to proceed in a juvenile proceeding.

Public Law 2011, chapter 282 was enacted as an emergency measure effective June 9, 2011.

LD 1419 An Act To Improve the Coordination of County Correctional Services

PUBLIC 374

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER SHERMAN	OTP-AM	H-531

This bill makes the following changes to the laws governing the State Board of Corrections.

1. It revises the membership of the State Board of Corrections to include the following:
 - A. Two sheriffs;
 - B. Two county commissioners;
 - C. One county administrator;
 - D. One administrator of a county or regional jail;
 - E. The Commissioner of Corrections or the commissioner's designee;
 - F. One municipal official; and
 - G. One public member.
2. It revises the provisions of law governing the submission of jail budgets to the State Board of Corrections by making those submissions on a biennial basis and by providing sufficient time before the beginning of the biennium for preparation and submission.
3. It creates a full-time position of Executive Director of the State Board of Corrections to replace a limited-period position established by financial order and enumerates the powers and duties of that position, including developing parameters for jail populations and standards for jails, transferring inmates between correctional facilities and

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inspecting the jails.

4. It allows the Commissioner of Corrections and the sheriffs and regional jail administrators the authority to make emergency transfers of inmates to protect against an immediate threat to the safety of inmates or correctional staff without prior authorization from the State Board of Corrections.

5. It changes references to "unified correctional system" to "coordinated correctional system" to more accurately reflect the role of the board.

Committee Amendment "A" (H-531)

This amendment strikes the bill and in its place makes the following changes to the laws governing the State Board of Corrections.

1. It directs the focus of the State Board of Corrections from the unification of State and county correctional services to the coordination of county correctional services.
2. It addresses management of offenders within the coordinated correctional system in order to ensure optimal use of available budgeted jail beds.
3. It revises the provisions of law governing the submission of jail budgets to the State Board of Corrections.
4. It revises the membership of the State Board of Corrections.
5. It allows the State Board of Corrections to enter into contracts in pursuit of stated goals, and it codifies the role of the board's executive director.

Enacted Law Summary

Public Law 2011, chapter 374 makes the following changes to the laws governing the State Board of Corrections.

1. It directs the focus of the State Board of Corrections from the unification of State and county correctional services to the coordination of county correctional services.
2. It addresses management of offenders within the coordinated correctional system in order to ensure optimal use of available budgeted jail beds.
3. It revises the provisions of law governing the submission of jail budgets to the State Board of Corrections.
4. It revises the membership of the State Board of Corrections.
5. It allows the State Board of Corrections to enter into contracts in pursuit of stated goals, and it codifies the role of the board's executive director.

**LD 1421 An Act To Reduce the Cost of Delivery of State and County
Correctional Services**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	ONTP	

Joint Standing Committee on Criminal Justice and Public Safety

This bill requires counties to remit the amount of property tax collected for correctional services to the State Board of Corrections Investment Fund program, which disburses the money back to the counties upon adoption of the counties' correctional services budgets by the State Board of Corrections. This bill also gives the State Board of Corrections contracting authority as appropriate regarding the provision of county correctional services.

LD 1423 An Act To Amend the Laws Governing Disorderly Conduct

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOGAN	ONTP	

This bill amends the law prohibiting disorderly conduct to remove the stipulation that the prohibited conduct recklessly causes annoyance to others.

LD 1438 An Act To Require Videoconferencing for Civil and Criminal Proceedings for Inmates

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DC RAYE	ONTP	

This bill requires the courts to use videoconferencing technology to conduct all civil and criminal court proceedings involving a prisoner committed to a county or state correctional facility, except for a proceeding that requires the prisoner's physical presence in the courtroom. This bill also requires the Department of Corrections, State Board of Corrections to adjust a county's budget to pay for expenses incurred by a court in using videoconferencing for prisoner court proceedings from savings of the county in reduced costs for transporting prisoners.

LD 1439 An Act Regarding Permits To Carry Concealed Firearms

PUBLIC 298

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY	OTP-AM	H-485

This bill makes the following changes to the laws governing permits to carry concealed firearms.

1. It adds a definition of "handgun" to the laws regarding permits to carry concealed firearms.
2. It clarifies that concealed firearm permits allow permittees to carry only handguns, such as pistol-type firearms, on the person, not long guns or machine guns.
3. It lengthens the amount of time issuing authorities have to process applications for concealed handgun permits.
4. It prohibits criminal justice agencies from charging fees to conduct record checks in relation to background checks that are conducted by issuing authorities as part of the process of reviewing a permit application.

Joint Standing Committee on Criminal Justice and Public Safety

Committee Amendment "A" (H-485)

This amendment strikes from the bill language that would have lengthened the amount of time issuing authorities have to process applications for concealed handgun permits.

Enacted Law Summary

Public Law 2011, chapter 298 adds a definition of "handgun" to the laws regarding permits to carry concealed firearms. It clarifies that concealed firearm permits allow permittees to carry only handguns, such as pistol-type firearms, on the person, not long guns or machine guns. Public Law 2011, chapter 298 also prohibits criminal justice agencies from charging fees to conduct record checks in relation to background checks that are conducted by issuing authorities as part of the process of reviewing a permit application.

LD 1453 An Act To Legalize and Tax Marijuana

MAJORITY (ONTP) REPORT

Sponsor(s)

RUSSELL

Committee Report

ONTP MAJ
OTP-AM MIN

Amendments Adopted

This bill reforms state marijuana laws by establishing a special tax rate for marijuana, legalizing the personal use and cultivation of marijuana, legalizing and licensing certain commercial marijuana-related activities, while providing provisions to protect minors, employers and schools, and removing the registry system from the Maine Medical Use of Marijuana Act.

Part A of the bill establishes a tax rate of 7%, beginning January 1, 2012, for marijuana that is sold for commercial or medical purposes. It directs the State Controller to distribute the revenue generated by the tax equally among specific programs that benefit farmers, preserve land, assist law enforcement, provide aid to a state weatherization program and support higher education. It directs the Department of Administrative and Financial Services, Bureau of Revenue Services to report annually, beginning January 30, 2013, the amount of tax revenue generated and the amount distributed to each program to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and taxation matters. The bill directs the Bureau of Revenue Services to review methods for ensuring that all marijuana that is sold in the State is assessed and to report its findings and recommendations to the Joint Standing Committee on Taxation. The bureau must submit the report and any necessary legislation by November 1, 2011.

Part B of the bill allows a person 21 years of age or older to possess, purchase and use marijuana within certain limits and to cultivate a limited amount of marijuana for personal use. It allows a person to possess up to one pound of marijuana, possess marijuana paraphernalia and an incidental amount of marijuana. It allows a person to cultivate and store marijuana for personal use within 75 square feet of space and to purchase up to 2 1/2 ounces of marijuana or seedlings from someone who is licensed to sell these products. The bill includes restrictions that impose the same limitations on use that apply to tobacco. It requires those cultivating marijuana to secure it from access by unauthorized persons and access by minors. It also provides protections for schools and employers. It includes specific requirements for the operations of commercial marijuana-related activities regarding the location of operations, security measures and record keeping as well as requirements for the licensee such as residency for a year prior to applying for a license. It allows a licensee up to 2,000 square feet of space for commercial marijuana cultivation and allows a licensee to sell no more than 2 1/2 ounces to any one individual per week. It limits the number of licenses as determined by department rule in the first year and requires that provisional licenses be automatically granted for dispensaries and persons who are registered as primary caregivers on June 30, 2011. It provides a funding mechanism for regulation of commercial marijuana-related activities. It provides special

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protections for minors, employers and schools.

Part C of the bill establishes the Community Policing Grant Program within the Department of Public Safety, which is funded by part of the revenue generated from the marijuana tax, to assist county and municipal law enforcement with community policing efforts. The Commissioner of Public Safety shall adopt rules for administering the program by December 1, 2011.

Part D of the bill removes the patient and primary caregiver registry system from the Maine Medical Use of Marijuana Act and repeals the provision requiring written certification from a physician for the medical use of marijuana as part of this registry system. It also repeals the requirement for patients, primary caregivers and dispensaries to keep marijuana in an enclosed, locked facility. Instead, it requires that the marijuana be secured from unauthorized access or from access by a person under 21 years of age. It allows dispensaries to acquire prepared marijuana or marijuana plants from persons licensed to cultivate or sell marijuana commercially. It updates the confidentiality and reporting requirements in the law to reflect the removal of the registry.

Part E of the bill updates the existing exceptions regarding possession of marijuana for medical use in the Maine Criminal Code.

Part F of the bill amends the existing laws on industrial hemp to allow a person to apply to the Department of Agriculture, Food and Rural Resources for a license to grow industrial hemp. It removes provisions in the law that make licensing of industrial hemp farming contingent upon federal action. This Part also updates various provisions of the Maine Revised Statutes, Title 7 and Title 22 that are affected by changes in terminology proposed to the Maine medical marijuana law in this bill.

Committee Amendment "A" (H-527)

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. This amendment adds a referendum question and a contingent effective date section to the bill, requiring 2 things to happen before the legislation becomes effective:

1. The voters in the next general election in November vote in favor of the legislation; and
2. Federal law is amended to remove marijuana from the list of scheduled drugs.

The Secretary of State is required to certify the results of the referendum as well as when the federal law is changed. This legislation takes effect 30 days after the later of the 2 actions takes place.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-567)

This amendment removes from Committee Amendment "A" the requirement that the federal law must change to remove marijuana as a scheduled drug before the state law to legalize and tax marijuana may take effect. This amendment was not adopted.

LD 1463 An Act Regarding Offenses against an Unborn Child

**MINORITY
(ONTP) REPORT**

Sponsor(s)

PLOWMAN

Committee Report

OTP-AM MAJ
ONTP MIN

Amendments Adopted

Joint Standing Committee on Criminal Justice and Public Safety

This bill creates the new crimes of murder, felony murder, manslaughter, assault, aggravated assault and elevated aggravated assault against an unborn child. The penalties for these new crimes is consistent with penalties for the same offenses committed against persons as defined in Title 17-A, chapter 9.

The bill specifies that crimes against unborn children do not apply to an abortion to which the pregnant woman has consented, nor do they apply to acts committed pursuant to usual and customary standards of medical practice during diagnostic or therapeutic treatment. These crimes do not apply to the pregnant woman, but do not prohibit the prosecution of the crime of elevated aggravated assault on a pregnant person or any other crime.

For purposes of this bill, "unborn child" is defined as an individual of the human species from the state of fetal development when the life of the fetus may be continued indefinitely outside the womb by natural or artificial life-supportive systems until birth.

Current law, Title 17-A §208-C, elevated aggravated assault on pregnant person, is a Class A crime, which specifies that a person is guilty of the crime if that person intentionally or knowingly causes serious bodily injury to a person the person knows or has reason to know is pregnant. For the purposes of this subsection, "serious bodily injury" includes bodily injury that results in the termination of a pregnancy.

Committee Amendment "A" (S-207)

This amendment is the majority report of the committee and makes two drafting changes. First, it strikes language "until birth" in the definition of "unborn child," as this language is not relevant to the rest of the definition. Second, it strikes redundant language in the crime of aggravated assault on an unborn child.

This amendment was not adopted.

LD 1484 An Act Regarding Retired Law Enforcement Officers' Retirement ONTP Credentials

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLODGETT	ONTP	

The bill permits a law enforcement agency to suspend or revoke any credential of an officer who has retired from that agency if the officer engages in conduct or is convicted of a crime that would have resulted in decertification of the officer if the officer was not retired.

LD 1489 An Act Regarding Regulation of Emergency Medical Services PUBLIC 271

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-223

This bill amends the laws relating to emergency medical services. The bill modifies certain definitions, updates some language and consolidates and expands the confidentiality provisions governing the records of the Emergency Medical Services' (EMS) Board, its committees, subcommittees and staff.

Joint Standing Committee on Criminal Justice and Public Safety

Specifically, the bill references the Assistant EMS Medical Director in statute, although it does not request additional funding for the position, and amends language to allow for efficient modification of regional designations based in part on consolidation.

The bill removes references to the Maine Criminal Justice Information System, thus allowing utilization of other sources of background information and removes the current limitation on background checks only at the time of initial licensure. The bill also removes language currently in place that exempts Licensed Ambulance Attendants (LAA) from rules adopted after August 1996. This section was added in 1997 to maintain LAA licenses, but this license is unique to Maine and has no distinction for EMS practice. The change will allow the EMS Board to reassign a license to an existing level consistent with the LAA training and nationally recognized levels.

The bill allows the EMS Board to recover expenses from investigations and adjudicatory hearings. It also makes a substantive change to confidentiality provisions and access to run report data; currently, EMS cannot share the run data reports with other State agencies or others with legitimate medical research needs. The bill will allow sharing of information with the Office of the Chief Medical Examiner, the Center for Disease Control and medical researchers.

Committee Amendment "A" (S-223)

This amendment clarifies the provisions of the bill by providing that the Emergency Medical Services' Board may appoint a licensed physician as statewide assistant emergency medical services medical director but is not required to; the position is intended to be filled only as needed. The amendment also strikes unnecessary references to initial licensure and language that indicates that a criminal history record information check is not required for relicensure of emergency medical services personnel.

Enacted Law Summary

Public law 2011, chapter 271 amends the laws relating to emergency medical services by modifying certain definitions, updating language and consolidating and expanding the confidentiality provisions governing the records of the Emergency Medical Services' (EMS) Board, its committees, subcommittees and staff.

Public law 2011, chapter 271 amends language to allow for efficient modification of regional designations based in part on consolidation. It clarifies that the EMS Board may appoint a licensed physician as statewide assistant emergency medical services medical director but is not required to; the position is intended to be filled only as needed.

Public law 2011, chapter 271 also references to the Maine Criminal Justice Information System, thus allowing utilization of other sources of background information and removes the current limitation on background checks only at the time of initial licensure and also removes language that exempts Licensed Ambulance Attendants (LAA) from rules adopted after August 1996. The change will allow the EMS Board to reassign a license to an existing level consistent with the LAA training and nationally recognized levels.

Public law 2011, chapter 271 allows the EMS Board to recover expenses from investigations and adjudicatory hearings. It also makes a substantive change to confidentiality provisions and access to run report data; currently, EMS cannot share the run data reports with other State agencies or others with legitimate medical research needs. Public law 2011, chapter 271 allows sharing of information with the Office of the Chief Medical Examiner, the Center for Disease Control and medical researchers.

Joint Standing Committee on Criminal Justice and Public Safety

**LD 1491 An Act To Strengthen the Laws against Driving under the Influence of
Drugs**

PUBLIC 335

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE A COLLINS	OTP-AM	H-535

Under current law, the Secretary of State is authorized to immediately suspend a license of a person determined to have operated a motor vehicle with an excessive alcohol level. This bill authorizes the Secretary of State to also administratively suspend driver's license of a person determined to have operated a motor vehicle after ingesting drugs or while under the influence of intoxicants. This bill also changes the designation "drug recognition technicians" to "drug recognition experts."

Committee Amendment "A" (H-535)

This amendment replaces the bill and requires the Secretary of State to suspend administratively the driver's license of a person determined to have operated a motor vehicle with a confirmed positive drug test in the same manner and for the same time periods as a person whose license is suspended administratively for operating a motor vehicle with an excessive alcohol level. The amendment also changes the designation "drug recognition technician" to "drug recognition expert."

Enacted Law Summary

Public Law 2011, chapter 335 requires the Secretary of State to suspend administratively the driver's license of a person determined to have operated a motor vehicle with a confirmed positive drug test in the same manner and for the same time periods as a person whose license is suspended administratively for operating a motor vehicle with an excessive alcohol level. Public Law 2011, chapter 335 also changes the designation "drug recognition technician" to "drug recognition expert."

LD 1500 An Act To Establish Positive Reentry Parole

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE WHITTEMORE	ONTP MAJ OTP-AM MIN	

This bill establishes the option of parole for persons sentenced on or after May 1, 1976. Current law provides that only persons in the custody of the Department of Corrections pursuant to a sentence imposed under the law in effect before May 1, 1976 may apply for parole. This bill incorporates the concepts of positive reentry parole, is modeled in part on recent law enacted by Colorado and uses some of the technical aspects of Maine's existing parole law.

Committee Amendment "A" (H-512)

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and incorporates a fiscal note.

This amendment was not adopted.

Joint Standing Committee on Criminal Justice and Public Safety

LD 1514 An Act To Amend the Sex Offender Registration Laws

Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL GERZOFISKY		

This bill creates the Sex Offender Registration and Notification Act of 2011, which is applicable to persons sentenced on or after October 15, 2011. The Act maintains registration and notification provisions but adds to these processes a tiering system and the development and application of risk assessment. The new Act's purpose continues to be to protect the public from potentially dangerous registrants and offenders by enhancing access to information concerning registrants and offenders.

Offenders are classified by offense as Tier I, Tier II or Tier III offenders and must register for 10 years, for 25 years or for life, respectively. However, the bill also creates a new risk assessment process, which involves the Department of Corrections' coordinating the adoption or development of a risk assessment instrument and the qualifying of evaluators to apply the instrument. At certain times of verification of registration information, a registrant may request a risk assessment for purposes of reclassification or removal from the registry.

The bill adopts the same penalties for failure to comply with requirements of registration and adopts the same notification process as exists in the Maine Revised Statutes, Title 34-A, chapter 15, the Sex Offender Registration and Notification Act of 1999.

LD 1514 was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1525 An Act To Expand Reciprocity by Allowing Certain Nonresidents To Possess a Firearm in Maine

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESCHL	ONTP	

Current law prohibits the possession of a firearm in Maine by a nonresident who has been convicted of a crime in another state punishable in that state by imprisonment for more than one year or of a crime classified by that state as a misdemeanor punishable by a term of more than 2 years. A resident of Maine or a nonresident who has been convicted of a crime punishable by imprisonment for one year or more may apply for a permit to carry a black powder rifle 5 years after the disposition of the sentence for that crime.

This bill specifies that a nonresident convicted of a crime in another state may legally possess a firearm in Maine, if the nonresident is allowed to legally possess a firearm in the state where the conviction occurred.

Joint Standing Committee on Criminal Justice and Public Safety

LD 1542 An Act To Require All Correctional Facilities in the State To Participate ONTP
in the Unified Inmate Transportation System

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DC RAYE	ONTP	

This bill requires the Department of Corrections and all county jails to use the unified inmate transportation system operated by the State Board of Corrections to transport inmates from one facility to another. The resolve also authorizes the Commissioner of Corrections to adopt rules to establish exceptions for situations in which it would be impractical or inefficient for the Department of Corrections or a county jail to use the system.

LD 1556 An Act To Amend the Laws Governing the Replacement of Firearms ONTP
Carried by Maine State Police

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAUDOIN	ONTP	

This bill directs that proceeds from the sale of firearms to current or former State Police personnel be deposited into a dedicated account within the Department of Public Safety, Bureau of State Police for the purchase of replacement firearms. It also provides a one-time General Fund appropriation of \$118,983 and Highway Fund allocation of \$114,317 in fiscal year 2011-12 to the Department of Public Safety for the purchase of firearms.

LD 1562 An Act To Prohibit the Sale or Possession of So-called Bath Salts PUBLIC 447
Containing Dangerous Synthetic Drugs EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY	OTP-AM	H-586 H-676 WEBSTER

This bill adds to the list of Schedule W drugs certain dangerous synthetic hallucinogenic chemicals that are sometimes marketed as "bath salts."

Committee Amendment "A" (H-586)

This amendment replaces the bill. The amendment adds an emergency preamble and clause and, instead of listing so-called bath salts as Schedule W drugs under the Maine Criminal Code, chapter 45, prohibits the possession and use of the drugs using the same penalties as those imposed for Schedule W drugs. The amendment also repeals the changes effective June 15, 2013, at which time the Legislature may reevaluate the statute and evaluate any action of the Federal Government regarding these drugs.

Senate Amendment "A" To Committee Amendment "A" (S-362)

This amendment reallocates the restriction on the use, trafficking or possession of so-called bath salts proposed in

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Committee Amendment "A" from the Maine Criminal Code to the Maine Revised Statutes, Title 22 and changes the penalties.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-676)

This amendment reallocates the restriction on the use, trafficking or possession of so-called bath salts proposed in Committee Amendment "A" from the Maine Criminal Code to the Maine Revised Statutes, Title 22 and changes some of the penalties to civil violations and reduces other criminal penalties.

Enacted Law Summary

Public Law 2011, chapter 447 prohibits the possession, trafficking and furnishing of certain synthetic hallucinogenic drugs or so-called bath salts. The prohibited conduct is established in Title 22 and includes civil penalties for possession and criminal penalties for repeat possession offenses, as well as trafficking and furnishing. These changes are repealed June 15, 2013.

Public Law 2011, chapter 447 was enacted as an emergency measure effective July 6, 2011.

LD 1563 An Act To Regulate the Licensing and Oversight of Professional Investigators

PUBLIC 366

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DC KATZ	OTP-AM	H-585

This bill amends the private investigator laws by changing the terms "private investigator" to "professional investigator" and "private investigating" to "private investigation." It also changes the jurisdiction over professional investigators from the Commissioner of Public Safety to the Chief of the State Police. The bill also exempts persons who undertake Internet research solely for retrieval of data from online sources or databases and who do not question individuals in person, by phone or electronic means from having to be licensed as a professional investigator.

The bill requires a licensee to renew a license even if the license has been suspended. It gives the Chief of the State Police the authority to refuse to issue, suspend or revoke a license, to impose probationary conditions or a fine or to issue a written warning if the licensee has unpermitted contact or communication with a child, makes a material misstatement in filing an application for a license, violates the standards of acceptable professional conduct or commits an act that would have been cause for refusal to issue a license.

The bill requires the Chief of the State Police to investigate a complaint for noncompliance or violation of the professional investigator laws or rules. It requires the Chief of the State Police to notify the licensee, if a complaint has been filed against a licensee, of the content of the complaint not less than 60 days after receipt of the written complaint. It requires the Chief of the State Police to adopt rules regarding the receipt and investigation of complaints. The bill also requires the Chief of the State Police to adopt rules regarding the standards of acceptable professional conduct.

Committee Amendment "A" (H-585)

This amendment specifies that the rule-making authority in the Professional Investigators Act is delegated to the Chief of the State Police, with the advice of the Board of Licensure of Professional Investigators.

The amendment clarifies that the Chief of the State Police does not require authorization of the board to act, but

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authorizes the board to provide information to the chief on any matter as it determines appropriate.

The amendment clarifies and conforms violations and penalties language to proper drafting standards and also makes technical changes and corrections.

Enacted Law Summary

Public Law 2011, chapter 366 amends the private investigator laws by changing the terms "private investigator" to "professional investigator" and "private investigating" to "private investigation." It also changes the jurisdiction over professional investigators from the Commissioner of Public Safety to the Chief of the State Police. The rule-making authority in the Professional Investigators Act is delegated to the Chief of the State Police, with the advice of the Board of Licensure of Professional Investigators. The Chief of the State Police may adopt rules regarding the receipt and investigation of complaints, as well as rules regarding the standards of acceptable professional conduct. The Chief of the State Police does not require authorization of the board to act, but the board may provide information to the chief on any matter it determines appropriate.

Public Law 2011, chapter 366 exempts persons who undertake Internet research solely for retrieval of data from online sources or databases and who do not question individuals in person, by phone or electronic means from having to be licensed as a professional investigator.

Public Law 2011, chapter 366 makes licensing changes. It gives the Chief of the State Police the authority to refuse to issue, suspend or revoke a license, to impose probationary conditions or a fine or to issue a written warning if the licensee has unpermitted contact or communication with a child, makes a material misstatement in filing an application for a license, violates the standards of acceptable professional conduct or commits an act that would have been cause for refusal to issue a license.

Public Law 2011, chapter 366 requires the Chief of the State Police to investigate a complaint for noncompliance or violation of the professional investigator laws or rules. Public Law 2011, chapter 366 requires the Chief of the State Police to notify the licensee, if a complaint has been filed against a licensee, of the content of the complaint not less than 60 days after receipt of the written complaint.

LD 1565 An Act To Give Judges Greater Flexibility When Sentencing Defendants ONTP Convicted of Murder

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CELLI BRANNIGAN	ONTP	

Title 17-A, section 1251 provides that a person convicted of the crime of murder must be sentenced to imprisonment for life or for any term of years that is not less than 25 years. The Supreme Judicial Court in the case of *State v. Shortsleeves*, 580 A.2d 145 (Me. 1990) held that a life sentence may not be imposed unless there are aggravating circumstances and set forth a list of aggravating circumstances that would justify a life sentence.

This bill adds an aggravating circumstance to those set forth in the *Shortsleeves* decision that would justify a life sentence. The bill provides that the court may sentence a person convicted of the crime of murder to life in prison based on the aggravating circumstance of that person's extreme mistreatment of the body of the victim after the death of the victim.

This bill is in response to the sentencing in Cumberland County Superior Court of Chad Gurney for the murder of Zoe Sarnacki in the case of *State v. Gurney*, docket number CUMCD - CR - 2009 - 4017.

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SUBJECT INDEX

Criminal History Record Information and DNA

Enacted

LD 592	An Act Regarding Forensic Examination Kits	PUBLIC 59
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Criminal History Record Information; DNA; Forensics

Enacted

LD 352	An Act To Amend the Laws Governing Criminal History Record Information	PUBLIC 52 EMERGENCY
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LD 1318	An Act To Repeal the Law Regarding DNA Collection	PUBLIC 221
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Not Enacted

LD 282	An Act To Limit Charges for Fingerprinting Performed for Certain Criminal History Background Checks	MAJORITY (ONTP) REPORT
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LD 296	Resolve, Directing the State Bureau of Identification To Continue To Explore Contracting Options and Other Methods To Find Efficiencies in the Fingerprinting System for Criminal History Background Checks	VETO SUSTAINED
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LD 1143	An Act To Require That Law Enforcement Officials Collect DNA Samples from Persons Arrested for Certain Crimes	Carried Over
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Criminal Law

Enacted

LD 126	An Act To Allow a Person with One Arm To Possess Certain Kinds of Prohibited Knives	PUBLIC 31
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LD 1027	Resolve, To Coordinate Stakeholders To Review Best Practices in the Management of Strangulation and Determine Methods To Address the Issue in Maine	RESOLVE 76 EMERGENCY
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LD 1165	An Act To Enable Prosecutions for Criminal Invasion of Computer Privacy	PUBLIC 133
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LD 1308	An Act To Strengthen Computer Privacy	PUBLIC 377
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LD 1399	An Act To Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes	PUBLIC 464
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Not Enacted

LD 91	An Act Relating to Disorderly Conduct in the Vicinity of a Funeral	ONTP
LD 461	An Act To Impose a Penalty for Making False Claims Regarding Military Service	MAJORITY (ONTP) REPORT
LD 464	An Act To Authorize Certain Officials To Carry Automatic Knives While in the Performance of Their Duties	ONTP
LD 525	An Act To Establish a Minimum Mandatory Sentence for Convictions of Illegally Providing Liquor to a Minor	ONTP
LD 639	An Act To Protect Medical Care Providers and Hospital Staff	ONTP
LD 648	An Act To Prohibit Organized Retail Theft	Carried Over
LD 1088	An Act Regarding the Writing of Bad Checks	Carried Over
LD 1423	An Act To Amend the Laws Governing Disorderly Conduct	ONTP
LD 1463	An Act Regarding Offenses against an Unborn Child	MINORITY (ONTP) REPORT

Criminal Procedure/Bail/Sentencing**Enacted**

LD 926	An Act To Increase the Credit Toward Payment of Fines Given for Jail Time	PUBLIC 334
LD 1315	An Act To Establish an Integrated Statewide System To Manage and Enforce Electronic Warrants	PUBLIC 214
LD 1400	An Act To Address Certain Aspects of Bail	PUBLIC 341

Not Enacted

LD 400	An Act Regarding County Jail Sentences of Less than 24 Hours	ONTP
LD 667	An Act To Establish a Municipal and County Reimbursement Fee for Those Guilty of Crimes	ONTP
LD 714	An Act To Require Probation Officers To Set a Schedule for Restitution Payment	ONTP
LD 1201	An Act To Increase the Amount of Funds Available to Counties for Witness Fees and Prosecution Costs	MAJORITY (ONTP) REPORT
LD 1438	An Act To Require Videoconferencing for Civil and Criminal Proceedings for Inmates	ONTP

LD 1500	An Act To Establish Positive Reentry Parole	MAJORITY (ONTP) REPORT
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LD 1565	An Act To Give Judges Greater Flexibility When Sentencing Defendants Convicted of Murder	ONTP
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Domestic Violence

Enacted

LD 708	An Act Concerning Arrests for Violating Protection from Abuse Orders	PUBLIC 178
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Not Enacted

LD 386	An Act To Implement the Recommendations of the Working Group Concerning Domestic Violence and Firearms	MAJORITY (ONTP) REPORT
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LD 495	An Act To Allow a Person Charged with or Convicted of Violating a Protection from Abuse Order To Be Supervised by an Electronic Tracking System	ONTP
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Drugs

Enacted

LD 773	An Act To Further Restrict the Availability of Methamphetamine and Amphetamine Pills	PUBLIC 436
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LD 914	An Act To Make Certain Synthetic Cannabinoids Illegal	PUBLIC 428
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LD 1562	An Act To Prohibit the Sale or Possession of So-called Bath Salts Containing Dangerous Synthetic Drugs	PUBLIC 447 EMERGENCY
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Not Enacted

LD 44	An Act To Increase Potential Criminal Penalties for the Possession of Cocaine and Cocaine Base	DIED BETWEEN HOUSES
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LD 750	An Act To Decriminalize Possession of 6 or Fewer Marijuana Plants	ONTP
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LD 754	An Act To Remove Criminal Penalties for Possession of up to 5 Ounces of Marijuana	ONTP
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LD 1192	An Act To Require That Marijuana Seized by Law Enforcement Officers Be Tested and Made Available for Use by Authorized Medical Marijuana Dispensaries	ONTP
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LD 1453	An Act To Legalize and Tax Marijuana	MAJORITY (ONTP) REPORT
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Juveniles

Enacted

LD 1040	An Act To Amend the Maine Juvenile Code	PUBLIC 336
LD 1299	An Act To Allow Deferred Disposition in Juvenile Cases	PUBLIC 384
LD 1413	An Act To Amend the Maine Juvenile Code To Address the Issue of Competency	PUBLIC 282 EMERGENCY

Not Enacted

LD 257	An Act To Protect Children in Public Schools by Changing Notification Requirements Regarding Sex Offenders	ONTP
LD 1074	An Act To Create the Position of Juvenile Community Service Director in the Department of Corrections	ONTP

Law Enforcement

Enacted

LD 1227	An Act Concerning the Disposal of Unclaimed, Lost or Stolen Personal Property by Law Enforcement Agencies	PUBLIC 267
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Not Enacted

LD 1484	An Act Regarding Retired Law Enforcement Officers' Retirement Credentials	ONTP
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OUI/OAS/Other MV Violations

Enacted

LD 595	An Act To Allow for Timely Credit for Driver's License Suspensions Imposed by a Court	PUBLIC 81
LD 966	An Act Regarding the Use of Methadone by Operators of Commercial Motor Vehicles	PUBLIC 455
LD 1090	An Act To Allow a Stay of an Administrative License Suspension for Refusal To Submit to a Test	PUBLIC 143
LD 1098	An Act To Increase Accountability for the Most Serious Offenders of Laws Prohibiting Operating under the Influence of Drugs and Alcohol	PUBLIC 159
LD 1491	An Act To Strengthen the Laws against Driving under the Influence of Drugs	PUBLIC 335

Not Enacted

LD 377	An Act To Ensure That a Licensee Is Notified of a Driver's License Suspension	ONTP
LD 885	An Act To Increase Penalties for Operating a Motor Vehicle under the Influence of Drugs or Alcohol	ONTP
LD 912	An Act To Amend the Law Governing Administrative Suspensions of Driver's Licenses	MAJORITY (ONTP) REPORT

LD 1363	An Act Regarding the Publication of Information Related to Persons Convicted of Operating under the Influence of Alcohol or Drugs	ONTP
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Private Investigators

Enacted

LD 880	An Act To Protect Minors from Questioning by Private Investigators	PUBLIC 161
LD 1563	An Act To Regulate the Licensing and Oversight of Professional Investigators	PUBLIC 366

Public Safety/Fire Safety/Emergency Communications

Enacted

LD 83	An Act To Legalize the Sale, Possession and Use of Fireworks	PUBLIC 416
LD 123	An Act To Assist Seasonal Entertainment Facilities with Public Safety Requirements	PUBLIC 349
LD 124	An Act To Eliminate Certain Restrictions on the Installation of Chimneys and Equipment	PUBLIC 225
LD 523	An Act To Modify the Regulation of Fireworks	PUBLIC 202 EMERGENCY
LD 1302	An Act To Extend Fire Code Rules to Single-family Dwellings Used as Nursing Homes for 3 or Fewer Patients	PUBLIC 398
LD 1489	An Act Regarding Regulation of Emergency Medical Services	PUBLIC 271

Not Enacted

LD 264	An Act Regarding Residential Chimney Lining	ONTP
LD 562	An Act Regarding Municipal Authority To Review Construction Permits for Public Buildings	DIED IN CONCURRENCE
LD 737	An Act To Grandfather Certain Existing Buildings and Structures with Respect to Fire Safety Codes and Standards	ONTP
LD 760	An Act To Establish an Animal Abuser Registry	MAJORITY (ONTP) REPORT
LD 1217	Resolve, Directing the Office of the State Fire Marshal To Amend Its Rules Relative to Construction Permit Applications	ONTP
LD 1404	An Act To Enhance Public Safety Response to High-risk Events	ONTP
LD 1556	An Act To Amend the Laws Governing the Replacement of Firearms Carried by Maine State Police	ONTP

Sex Offender Registration and Notification

Enacted

LD 624	An Act To Require a Person Who Commits a Sex Offense against a Dependent or Incapacitated Adult To Register under the Sex Offender Registration and Notification Act of 1999	PUBLIC 423
LD 1025	An Act To Amend the Laws Governing the Sex Offender Registry	PUBLIC 307
LD 1317	An Act Concerning Sex Offender Registry Information	PUBLIC 299

Not Enacted

LD 638	An Act To Require Sex Offenders To Complete Their Full Time on the Sex Offender Registry	ONTP
LD 740	An Act To Amend the Sex Offender Registration Laws	ONTP
LD 1514	An Act To Amend the Sex Offender Registration Laws	Carried Over

Sex Offenses -- Criminal

Enacted

LD 580	An Act To Protect Children from Sexual Predators	PUBLIC 50 EMERGENCY
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Not Enacted

LD 8	An Act To Increase the Maximum Distance from a School within Which a Sex Offender May Not Reside That May Be Set by Municipal Ordinance	MAJORITY (ONTP) REPORT
LD 37	An Act To Amend the Deferred Disposition Law As It Pertains to Sex Offenses	LTW
LD 508	An Act To Adjust Certain Age Limits in the Laws Concerning Sex Offenses To Further Protect Minors	ONTP
LD 1182	An Act To Protect Young Children from Sex Offenses	DIED BETWEEN HOUSES
LD 1392	An Act To Increase the Penalty for Sexual Abuse by Certain Offenders	DIED BETWEEN HOUSES

State and County Corrections & State Board of Corrections

Enacted

LD 82	An Act To Amend the Laws Governing County Jail Budgeting for York County	PUBLIC 431
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LD 168	An Act To Require a Medical Examiner To Determine whether an Autopsy Is Needed in the Case of the Death of a Prisoner in a Correctional Facility	PUBLIC 60
LD 422	An Act To Amend the Laws Governing the Tax Assessment for Correctional Services in Lincoln County and Sagadahoc County	PUBLIC 315 EMERGENCY
LD 685	An Act To Support Farm Programs at Department of Corrections Facilities	PUBLIC 340
LD 1419	An Act To Improve the Coordination of County Correctional Services	PUBLIC 374

Not Enacted

LD 342	An Act To Amend the Laws Governing County Jail Budgeting for York County	LEAVE TO WITHDRAW
LD 690	An Act To Amend the Laws Governing the Transfer of Prisoners to Other States	ONTP
LD 963	An Act To Ensure Humane Treatment for Special Management Prisoners	ONTP
LD 1095	An Act To Facilitate the Construction and Operation of Private Prisons by Authorizing the Transport of Prisoners out of State	Carried Over
LD 1163	An Act To Implement the Recommendations of the Commissioner of Corrections' Study Regarding the Placement of Special Management Prisoners	ONTP
LD 1178	An Act To Repeal the Laws Governing the Consolidation of Jails	ONTP
LD 1421	An Act To Reduce the Cost of Delivery of State and County Correctional Services	ONTP
LD 1542	An Act To Require All Correctional Facilities in the State To Participate in the Unified Inmate Transportation System	ONTP

Victim Rights

Not Enacted

LD 276	An Act To Enhance the Collection of Restitution for Victims of Crimes	ONTP
LD 1102	An Act To Ensure That Victims Are Kept Informed in Criminal Cases	ONTP

Weapons/Firearms/Concealed Firearms Permits

Enacted

LD 35	An Act Relating to Concealed Firearms Locked in Vehicles	PUBLIC 393
LD 446	An Act To Allow Law Enforcement Officers from Out of State To Carry Concealed Firearms	PUBLIC 396

LD 1347	An Act Relating to Locations where Concealed Weapons May Be Carried	PUBLIC 394
LD 1439	An Act Regarding Permits To Carry Concealed Firearms	PUBLIC 298
<u>Not Enacted</u>		
LD 578	An Act To Allow Municipalities To Restrict the Possession of Firearms in Certain Circumstances	DIED BETWEEN HOUSES
LD 658	An Act To Modify the Requirement of a Permit To Carry a Concealed Weapon	MAJORITY (ONTP) REPORT
LD 717	An Act To Increase the Penalties for Possessing and Displaying a Firearm on School Property	ONTP
LD 827	An Act To Bring the State's Laws into Compliance with the National Instant Criminal Background Check System	MAJORITY (ONTP) REPORT
LD 932	An Act To Allow Concealed Weapons in the State House	INDEF PP
LD 1168	An Act To Exempt Firearms Manufactured in this State from Federal Regulation	MAJORITY (ONTP) REPORT
LD 1176	An Act To Enhance Reciprocity Agreements Regarding Permits To Carry Concealed Firearms	MAJORITY (ONTP) REPORT
LD 1232	An Act To Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons	MAJORITY (ONTP) REPORT
LD 1525	An Act To Expand Reciprocity by Allowing Certain Nonresidents To Possess a Firearm in Maine	ONTP

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